UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1993/30
23 June 1993

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Item 15 of the provisional agenda

# CONTEMPORARY FORMS OF SLAVERY

## Report of the Working Group on Contemporary Forms of Slavery on its eighteenth session

Chairman-Rapporteur: Mr. Ioan Maxim

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | ORGANIZATION OF THE SESSION | 1 - 7 | 4 |
| II. | ADOPTION OF THE AGENDA | 8 | 5 |
| III. | STATUS AND FOLLOW-UP OF THE CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES | 9 - 10 | 7 |
| IV. | FOLLOW-UP OF RECOMMENDATIONS ADOPTED AT PREVIOUS SESSIONS | 11 - 42 | 7 |
| | A. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography | 11 - 19 | 7 |
| | B. Programme of Action for the Elimination of the Exploitation of Child Labour | 20 - 28 | 9 |


GE.93-14094 (E)

CONTENTS (continued)


| | | Paragraphs | Page |
|---|---|---|---|
| C. | Draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others | 29 - 31 | 11 |
| D. | United Nations Trust Fund for Contemporary Forms of Slavery | 32 - 33 | 12 |
| E. | Follow-up of the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography | 34 - 42 | 13 |
| V. | REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY | 43 - 68 | 14 |
| A. | Slavery and the slave trade | 43 - 45 | 14 |
| B. | Debt bondage | 46 - 64 | 15 |
| C. | Forced labour | | |
| D. | Exploitation and traffic in all its forms affecting children, including the phenomenon of child soldiers, illegal traffic for the purposes of adoption and organ transplants | 65 - 66 | 22 |
| E. | Incest | 67 - 68 | 23 |
| VI. | REVIEW OF DEVELOPMENTS OF NATIONAL AND INTERNATIONAL MEASURES AND STRATEGIES TO PREVENT AND ELIMINATE CONTEMPORARY FORMS OF SLAVERY | 69 - 90 | 23 |
| A. | Elaboration of guidelines to protect minors, particularly children, from prostitution and pornography | 69 - 74 | 23 |
| B. | Encouragement of the creation of national institutions for the prevention of prostitution and the economic and social reintegration of prostitutes | 75 | 25 |
| C. | Measures aimed at putting an end to sex tourism | 76 - 79 | 26 |
| D. | Indemnification, reparation and compensation of victims of slavery, slavery-like practices and other contemporary forms of slavery | 80 - 87 | 27 |
| E. | Miscellaneous | 88 - 90 | 30 |

CONTENTS (continued)


| | | Paragraphs | Page |
|---|---|---|---|
| VII. | RECOMMENDATIONS ADOPTED AT THE EIGHTEENTH SESSION . . . | 91 - 99 | 31 |
| | A. General considerations . . . . . | 91 - 99 | 31 |
| | B. Recommendations . . . . . | | 32 |

Annexes

| | | |
|---|---|---|
| I. | Provisional agenda for the nineteenth session of the Working Group on Contemporary Forms of Slavery . . . . . | 43 |
| II. | Attendance . . . . . | 45 |
| III. | Documentation . . . . . | 49 |

## I. ORGANIZATION OF THE SESSION

1. The Economic and Social Council, upon the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member working group to review developments in the field of the salve trade and the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Working Group was established, and since then it has held a session prior to each session of the Sub-Commission. In its resolution 1988/42 of 8 March 1988 the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery be changed to "Working Group on Contemporary Forms of Slavery".

2. At its seventeenth session, the Working Group decided to revise at its eighteenth session the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others in the light of the comments received pursuant to Commission on Human Rights resolution 1992/36, and to examine the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography in the light of information received from States, United Nations bodies, and intergovernmental and non-governmental organizations, as well as to consider any crucial, serious or urgent matters. As far as the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others is concerned, noting that the Commission on Human Rights at its forty-ninth session did not take any action in this regard, the Working Group decided to continue consideration of this matter at its future sessions.

3. The Working Group also decided to continue to work by themes and to seek solutions and strategies, giving particular attention to the following items included in the agenda: training of law enforcement officials and police, economic development programmes, information campaigns, education programmes for children in danger, new forms of legislation, rehabilitation measures and the protection of working children.

4. The Working Group held its eighteenth session from 17 to 27 May 1993. The Group held 13 meetings. The session was opened by the Chief of the Research and Studies Section, Legislation and Discrimination Branch of the Centre for Human Rights, who made an introductory statement on behalf of the Assistant Under-Secretary-General. At the 13th meeting the members of the Working Group adopted the present report.

5. In accordance with Sub-Commission decision 1992/111, the composition of the Working Group was as follows: Ms. L. Chavez, Ms. M. Ferriol Echevarria, Mr. I. Maxim, Mr. Ramadhane and Mr. Ul-Hakim. Mr. Ul-Hakim and Ms. L. Chavez were delayed and participated respectively from the 7th and 11th meeting.

6. The list of participants, including the members of the Working Group, observers for member and non-member States, United Nations bodies, specialized agencies, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council, and other organizations which furnished information to the Working Group with its consent, is contained in annex II to the present report.

Election of the Chairman-Rapporteur

7. At the 1st meeting, on 17 May 1993, Mr. Maxim was elected Chairman-Rapporteur by acclamation.

## II. ADOPTION OF THE AGENDA

8. At the 1st meeting, the Working Group adopted the provisional agenda of the eighteenth session (E/CN.4/Sub.2/AC.2/1993/1), which read as follows:

### PROVISIONAL AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Status of and follow-up to the Conventions on slavery and slavery-like practices:

   (a) Status of the Conventions;

   (b) Review of reports and information received on the status and implementation of the Conventions;

   (c) Review of national legislation;

   (d) Review of means for establishing an effective mechanism for the implementation of the Conventions.

4. Follow-up of recommendations adopted at previous sessions on:

   (a) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

   (b) Programme of action for the elimination of the exploitation of child labour and debt bondage;

   (c) Draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others;

   (d) United Nations Voluntary Trust Fund for Contemporary Forms of Slavery;

   (e) Follow-up of the mandate of the Special Rapporteur on the sale of children.

5. Review of developments in other fields of contemporary forms of slavery, including:

   (a) Slavery and the slave trade;

   (b) Slavery-like practices of apartheid and colonialism;

   (c) Debt bondage;

   (d) Forced labour;

   (e) Exploitation and traffic in all its forms affecting children, including the phenomenon of child soldiers, illegal traffic for the purposes of adoption and organ transplants;

   (f) Institutionalized sexual violence, including violence by officials;

   (g) Incest;

   (h) Sexual harassment, in particular in the workplace.

6. Development of national and international measures and strategies to prevent and eliminate contemporary forms of slavery:

   (a) Elaboration of guidelines to protect minors, particularly children, from prostitution and pornography;

   (b) Encouragement of the creation of national institutions for the prevention of prostitution and the economic and social reintegration of prostitutes;

   (c) Campaign against disappearances linked to contemporary forms of slavery;

   (d) Measures aimed at improving the situation of migrants and their families and at protecting them from all forms of contemporary forms of slavery;

   (e) Measures aimed at preventing sexual abuse and institutionalized sexual violence against vulnerable groups (prostitutes, migrants, refugees, detainees, etc.);

   (f) Relationship between traffic in persons, prostitution and drug trafficking and international cooperation to combat these phenomena;

   (g) Measures aimed at putting an end to sex tourism;

   (h) Indemnification, reparation and compensation of victims of slavery, slavery-like practices and other contemporary forms of slavery.

7. Adoption of the report of the Working Group to the Sub-Commission.

## III. STATUS AND FOLLOW-UP OF THE CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES

9. At the 2nd meeting, the Working Group was briefly informed by the secretariat on the status of the Conventions on slavery and slavery-like practices.

10. As of 1 February 1993, 104 signatory States had ratified the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and 63 signatory States had ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The 1956 Supplementary Convention had not been ratified by three signatory States and the 1949 Convention by five signatory States.

## IV. FOLLOW-UP OF RECOMMENDATIONS ADOPTED AT PREVIOUS SESSIONS

### A. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

11. In compliance with Sub-Commission resolution 1992/2, the Working Group had before it the report of the Secretary-General on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/AC.2/1993/8) and decided to transmit it to the Sub-Commission.

12. At the 2nd meeting, the representative of Eyes Campaign against Child Exploitation made a statement regarding child prostitution and sex tourism. He stated that the courts of the United Kingdom of Great Britain and Northern Ireland did not have provisions for addressing offences committed by British citizens when abroad. In certain cases, British citizens had been extradited by the Queen to face trial in the country where the offence took place.

13. In November 1992, the Early Day Motion 808, entitled "Children in prostitution and pornography", had been presented to the British Parliament for consideration. Thus far, 200 Members of Parliament had signed the motion. EDM 808 proposed that ways be examined to bring perpetrators of sexual exploitation of children, both in the United Kingdom and abroad, to justice within the United Kingdom.

14. The representative of Eyes Campaign against Child Exploitation urged the Working Group to encourage States parties to the Convention on the Rights of the Child to introduce legislative change to ensure that their own nationals, committing offences which abused and exploited children in prostitution and pornography while abroad, could be tried in their home State, as well as the country where the offence was committed.

15. At the 5th meeting, the representative of the International Abolitionist Federation made a statement concerning child prostitution and the problem of street children in Brazil. The organization estimated that there were 100-150 million street children in the world. Brazil alone had nearly 10 million of those children. More than 40 per cent of them had to

depend on occasional or regular prostitution for their survival. In Brazil harsh and cruel treatment of street children, including random killing by the death squad and police, was a common practice. An exodus of the rural population to big cities in search of employment and food had exacerbated the problem of street children. IAF was concerned about the high prospect of HIV/AIDS infection of these children, as well as the increased demand for younger and younger children in prostitution.

16. At the 7th meeting, the representative of Eyes Campaign against Child Exploitation expressed his organization's support for a world day for the abolition of contemporary forms of slavery. Noting the proximity of the proposed date, 2 December, to the anniversary of the Convention on the Rights of the Child (20 November), the Eyes Campaign against Child Exploitation proposed that a week be designated for activities concerning the subject. The representative noted that the authorities of the United Kingdom had expressed their support for the Programme of Action, and he invited them to ratify the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. He also referred to the Early Day Motion 1168, dealing with prostitution in Thailand, which had been signed by 149 members of the British Parliament and presented to the Ambassador of Thailand to the United Kingdom.

17. At the 7th meeting, the observer for India made a statement concerning child prostitution. In India the Suppression of Immoral Traffic in Women and Girls Act of 1956 had been amended in 1978 and again in 1986 to make the penal provisions of the Act more effective and stringent, and also to extend the scope of the Act to cover persons of all ages, whether male or female, who were exploited sexually for commercial purposes. The Indian press regularly reported the enforcement actions taken by the police and other officials concerned. In cases involving the exploitation of women and children, the police officers concerned at a supervisory level were usually women.

18. Realizing that enforcement of the law was just one side of the problem, the Government of India had taken social measures as well to rehabilitate those facing social disadvantages owing to their association with prostitution. The Government gave grants-in-aid to voluntary organizations for establishing and running short-stay homes. Medical care, psychiatric treatment, occupational therapy, social facilities for adjustment, as well as educational, vocational and recreational activities were provided under that scheme. Several dozen short-stay homes were already functioning in various parts of India. Considerable work had also been done on the educational side with the production and publication of educational material, the organization of women's groups for prevention of crimes against women, legal literacy camps and camps for training social workers.

19. In the mid-1970s, the Government had begun a programme for providing care and protection to abandoned, neglected and destitute children in order to rehabilitate them as normal citizens. Financial assistance was provided to voluntary organizations for the maintenance of the children and the purchase of furniture, utensils, voluntary training equipment, etc. Ninety per cent of the cost was shared by the central and state Governments, and 10 per cent was

borne by voluntary organizations. Grants were disbursed to voluntary organizations by the States. A very large programme for the welfare of street children had been initiated under the 8th National Five-Year Plan.

B. Programme of Action for the Elimination of the Exploitation of Child Labour

20. In accordance with Commission on Human Rights resolution 1993/79, in which the Commission decided to consider questions concerning the Programme of Action for the Elimination of the Exploitation of Child Labour every two years, the Working Group will consider the Programme of Action at its nineteenth session in 1994.

21. At the 3rd meeting of the Working Group, a representative of Anti-Slavery International for the Protection of Human Rights made a statement concerning child slaves in South Asia. It was estimated that 80 million children are victims of servitude in Bangladesh, India, Nepal, Pakistan and Sri Lanka. Many of those children were employed in a variety of prosperous industries providing goods to Europe and the United States of America, including carpets, druggets and garments. The children were exposed to long hours of work, unhygienic working conditions and a number of occupational diseases, such as tuberculosis, bronchitis and cancer, and deformity. Many were bonded labourers or work for a meagre wage. Child prostitution had been linked to the garment industry in India, Nepal and Bangladesh.

22. Despite international concern, very little action had been taken regarding the problem in the countries concerned. Anti-Slavery International, with regard to that issue, recommended the following:

(a) That the United Nations should ask the Governments of all importing countries to enact suitable legislation banning the import of goods made fully or partially by children; only those goods bearing a label of the authorized agency vouching "free from child labour" should be allowed to enter the country. Similarly, the exporting countries should also be asked to take similar steps in connection with the export of goods made by children;

(b) The appointment of a commissioner entrusted to monitor all the recommendations adopted by the Sub-Commission and to keep a watch on the implementation of various laws and United Nations conventions on the issue;

(c) The establishment in India and Pakistan of national commissions on bonded labour, including child servitude, vested with the power to identify, release and rehabilitate the bonded labourer. Laws relating to abolition needed to be enacted expeditiously in Bangladesh and Nepal;

(d) The stopping of all loans, aid or support by any of the United Nations organizations or development banks to any project likely to involve or perpetuate bonded labour and child labour;

(e) That the International Labour Organisation should organize a seminar on child servitude.

23. At the 7th meeting, the observer for India stated that the Government of India tackled the problem of child labour in two ways: the prohibition of the employment of children below the age of 14 years in hazardous employment and the regulation of the working conditions of children. The Child Labour (Prohibition and Regulation) Act of 1986 prohibited the employment of children in certain specified processes and occupations. On the regulatory side it sought to oversee the conditions of work in processes where children were permitted to work. In implementation of the Child Labour Act, the Child Labour Technical Advisory Committee had been established to advise the Government regarding employment where child labour needed to be further prohibited. Acting on the recommendations of the Technical Advisory Committee the Government had taken action whenever required further to prohibit the employment of children in unsuitable occupations and processes.

24. The major aim of the National Policy on Child Labour (1987) was to give education, vocational training, supplementary nutrition and health care through special schools. The Government of India gave financial assistance to non-governmental organizations for undertaking action-oriented projects for the welfare of the working child. Already 1,000 children withdrawn from the carpet industry were being provided with non-formal education, nutrition, health care, stipends and vocational training under that scheme.

25. The enforcement of legislative provisions for the protection of working children had been intensified. Since September 1992 in the largest state in India, Uttar Pradesh, over 1,550 inspections had been conducted in an organized manner by special teams constituted for the purpose. The machinery for the enforcement of the provisions of the Child Labour Act of 1986 depended, as it did in any other democracy, on judicial decisions. In order to make the engagement of child labour less attractive on economic grounds, the government of Uttar Pradesh had recently stipulated that minimum wages for adolescents or children would be 99 per cent of those fixed for adults.

26. Cooperation with non-governmental organizations was an essential part of the approach of the Government of India. It was actively participating in the International Programme for the Elimination of Child Labour (IPEC).

27. The observer for India noted that a representative of Anti-Slavery International had made a proposal for the stopping of loans, aid or support from United Nations organizations or development banks to projects likely to involve or perpetrate bonded labour or child labour. However, he underlined that the determination of how and where aid and assistance should be channelled lay outside the scope of the current forum. As a matter of principle, no developing country would accept conditionalities on trade and development based on non-economic considerations. On the question of bonded labour, he pointed out that: (a) legislative provision banning debt bondage and effective follow-up executive action already existed in India; (b) the issue was often ventilated in Parliament and in state legislatures; (c) there was adequate publicity by the visual media, as well as by an independent and vigilant press; (d) voluntary agencies were active in that field.

28. The observer for Pakistan stated that article 11, clause (3), chapter 1 of the Constitution, prohibited the exploitative use of children. Penalties in that respect had been provided for in articles 370 and 374 of the

Penal Code, making slavery in all its forms a completely unacceptable practice in Pakistan. To deal with the issues of children there existed several specific legislative remedies:

(i) The West Pakistan Shop and Establishments Ordinance 1969;

(ii) The Children (pledging of labour) Act, 1973;

(iii) The Children Employment Act, 1991, which was specifically aimed at improving the situation of working children.

Those laws were designed to prevent child labour and to protect children from labour of an exploitative nature.

C. Draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others

29. The Working Group, noting that the Commission on Human Rights at its forty-ninth session had not taken any action with regard to the draft programme of action, decided to continue consideration of the matter at its future sessions.

30. At the 4th meeting a representative of the International Abolitionist Federation stated that, prostitution of any kind was a persistent form of slavery and sexual exploitation, a serious violation of the human person and an act of violence, and he requested the United Nations General Assembly:

(a) Formally to declare prostitution to be a violation of human rights;

(b) To take a position in favour of the ending of prostitution, as it had done in the case of other violations of human rights, a position set out in the preamble to the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 2 December 1949;

(c) To consider appointing a Special Rapporteur to inquire in the countries concerned into all the aspects and consequences of sexual exploitation in all its forms;

(d) To establish, as it had done for the Convention against Torture and the Convention on the Rights of the Child, a committee to monitor the application and implementation of the Convention of 2 December 1949. The mandate of this committee would be to make the necessary inquiries with States to verify compliance with the Convention and its application. It would report annually to the United Nations and request States to explain their practice;

(e) To draw up an additional protocol to the 1949 Convention in order to strengthen its application and monitoring;

(f) To declare 2 December of each year an international day for the suppression of slavery in all its forms;

(g) To organize under the auspices of the United Nations a decade on sexual exploitation in these various manifestations.

31. At the 5th meeting, a representative of Anti-Slavery International for the Protection of Human Rights addressed the issue of forced prostitution in Turkey and, taking into consideration that prostitution had been legalized in Turkey, made the following recommendations on behalf of that organization:

(a) An investigative inquiry should be authorized to ascertain whether the existing legal provisions of the Decree on Prostitution and of the Penal Code aimed respectively at providing protection for registered prostitutes and preventing women from becoming prostitutes were being fully implemented or largely flouted in Turkey. In particular, the inquiry should ascertain the extent of two practices, the sale of women and debt bondage, which were in violation of international law to which Turkey was a party.

(b) While the investigation was in progress, the Government should appoint a team of lawyers and human rights experts to re-examine the text of the 30-year old Decree on Prostitution, in order to consider how it might be amended so as to remove elements of enforcement within the framework of a legalized prostitution system. In particular, Anti-Slavery International for the Protection of Human Rights recommended that the team should:

(i) Pay special attention to the enforcement elements in articles 20 to 22, consider rewording article 61 simply to apply to all prostitutes seeking to leave the brothels where they worked, and consider extending the provisions in article 109 to include registered prostitutes, as well as women who are not yet committed to the profession;

(ii) Consider revoking the various secrecy clauses in the Decree as well as the viability of introducing some kind of appeals procedure against decisions of the Commissions;

(iii) Consider deleting all moral judgements on the prostitutes' way of life and the use of judgemental adjectives such as "fallen", "corrupt", etc.

(iv) Consider the Decree in the light of international conventions to which Turkey was a party.

D. United Nations Trust Fund for Contemporary Forms of Slavery

32. At the 4th meeting, the representative of the Trust Fund on Contemporary Forms of Slavery took the floor to inform the Working Group of the results of the first session of the Trust Fund. The main problem the Trust Fund had to face was lack of funds. In that regard, the representative of the Fund pointed out that the possibility of contributing was not limited to States: any kind of organization or institution, and even individuals, could, if they wished, contribute to the Fund. As far as the beneficiaries were concerned, the Fund had decided to give priority, for the time being, to those who would not be able to attend the sessions of the Working Group without assistance provided by the Fund. The representative of the Fund asked the members of the Working Group to express their opinion on the possibility of providing assistance from the Fund for non-governmental organizations which were not in consultative status with the Economic and Social Council.

33. The Chairman of the Working Group invited the representative of the Fund to provide the Working Group with the necessary bank account numbers to allow those in a position to do so to respond favourably to the appeal for contributions. Subsequently, a sheet with those bank account numbers was circulated among participants.

## E. Follow-up of the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography

34. At the 2nd meeting, the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Vitit Muntarbhorn, addressing the Working Group, said that the sale of children, child prostitution and child pornography were, sadly, universal in nature; they were found in all countries, although the typology and degree might vary from country to country.

### The problem of transnationalization

35. The sale of children for sexual exploitation was related to transnational trafficking between developing and developed countries, between the developing countries themselves, and between the developed countries. Cross-frontier abductions and disappearances aggravated the issue.

### The problem of technology

36. Just as new technology might help to protect children worldwide, it was also used to abuse children. This was particularly relevant to certain practices akin to the sale of children.

### The problem of security

37. Children were often used in conflicts as porters and soldiers, to supply arms to the combatants and/or to fight. Children were at times the victims of warfare, which resulted in deprivation and displacement and ultimately lead to instances of commercialization, in the sense that orphans and abandoned children of war might become candidates for placements and adoptions which might be linked to commercialization.

### The problem of crime and corruption

38. The use of children to sell drugs, to steal and to commit other offences was part of a wide range of abuses which had emerged in recent years. Much of it was linked with corruption within national systems, and the fact that many elements of the law enforcement authorities colluded actively or passively with criminal elements.

39. Developed countries were witnessing a rise in child labour exploitation. New forms of exploitation were emerging in Europe in such countries as Portugal and Russia, as well as in the United States. Reports of abuses in South America and Africa were abundant, particularly with the shift of children from rural to urban areas and the rise of street children. In Australia, children were at times used to perpetrate crimes on behalf of adults, for example, to commit theft and sell drugs.

40. Cross-frontier trafficking of women and children raged in various parts of the world. Asia was a key "réseau". The problem was linked with sex tourism, both local and international. The sex tourists, such as paedophiles, visiting that region included those from Australia, North America, Europe, Japan and the Middle East. Of particular concern were the physical and psychological danger to children; many were lured and tricked by criminal elements into prostitution. Some were incarcerated in brothels in various countries and were subjected to the threat of HIV/AIDS.

41. Tragically, girls forced into prostitution were sometimes arrested as "illegal immigrants" and placed in prison pending their return to the country of origin. As many of the girls trafficked into prostitution did not enter the country of their own free will, a better approach would be to exempt them from the application of local immigration laws and treat them as cases of humanitarian concern.

42. In conclusion, the Special Rapporteur drew the attention of the Working Group to some of the main recommendations included in this report (E/CN.4/1993/67) which he had submitted to the Commission on Human Rights at its forty-ninth session.

## V. REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

### A. Slavery and the slave trade

43. At the 4th meeting, a representative of Anti-Slavery International raised the question of slavery in Mauritania, which had been abolished by proclamation in 1980 and then by Ordinance 81-234 of 9 November 1981. Anti-Slavery International has been monitoring events in Mauritania closely since 1980. Its then Director, at the invitation of the Mauritanian Government, accompanied the 1984 United Nations mission led by Professor Marc Bossuyt, an expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Anti-Slavery International has conducted inquiries into slavery in Mauritania, in particular in 1992, and the conclusion of these inquiries is that slavery and slavery-like institutions and practices still exist throughout the country. Ordinance 81-234 has not been followed up by concrete action, not even a genuine information campaign and the essential reform of Mauritania's legal system. It is in the courts in particular that daily legal practice gives the lie to any assertion that there have been no problems connected with slavery since its abolition in 1981. In the cases of land tenure and inheritance, in particular, examples are legion and some of them have been reported in the Mauritanian press.

44. During discussions in 1990 the Mauritanian authorities stated that they would have no objection to the establishment of a scientific research project to help the country to understand the problems of slavery better. Since 1992 Anti-Slavery International has been working with a group of Mauritanian and international experts, academics, lawyers, sociologists and others who are willing and able to carry out a vast research project concerning Mauritania's social structure with a view to formulating action programmes for the

abolition of slavery. The representative of Anti-Slavery International then gave the floor to a representative of the Mauritanian organization El Hor, which protects the interests of former slaves.

45. The representative of Anti-Slavery International also addressed the issue of the trafficking and slavery of Mozambican refugees in South Africa. Since 1990 that organization had received reports on the smuggling of human beings across the border from Mozambique into South Africa. The civil war in Mozambique had caused thousands to flee into South Africa. To avoid the South African border authorities, many entrusted themselves to guides. Women and children were sometimes left as collateral when the guides' fees could not be met. The guides were often entangled in the trafficking of women and children. Some poverty-stricken parents were also believed to sell their children into bonded labour and prostitution. It was hoped that the general peace accord of 1992 would improve conditions in Mozambique, and put forward the following recommendations:

(i) That information be disseminated within the two countries on the rights of refugees;

(ii) That the South African police take effective action against the traffickers and give adequate protection to the victims;

(iii) That the South African police take action against child prostitution.

B. Debt bondage

C. Forced labour

46. At the 2nd meeting, the observer for the International Labour Organisation, referring to the work of the ILO supervisory bodies, stated that the Committee of Experts on the Application of Conventions and Recommendations had formulated at its 1993 session a certain number of comments in relation to the application in law and in practice of the Forced Labour Conventions (No. 29), 1930, in a number of countries, including Brazil, Haiti, India, Mauritania, Myanmar, Pakistan, Peru, Sudan, Sri Lanka and Thailand. Certain comments related in particular to forced child labour. She informed the Working Group that ILO had organized the Asian Regional Seminar on Children in Bondage from 23 to 26 November 1992 in Islamabad, in collaboration with the Centre for Human Rights and the Government of Pakistan. The Seminar had also constituted a satellite meeting of the World Conference on Human Rights. The Seminar had brought together officials from a wide range of professional backgrounds and organizations from Bangladesh, India, Nepal, Pakistan, Sri Lanka and Thailand, including judges, lawyers, labour officials and representatives of employers' and workers' organizations and of non-governmental organizations from the region. The Seminar had adopted a programme of action against child bondage.

47. The representative of Anti-Slavery International made a statement concerning debt bondage in Brazil, citing it as the main mechanism of forced labour in that country. The practice was said to be prevalent in certain branches of economic activity in the Amazon region. Many of the labourers

were coerced into their situations through fraud, and many of the victims came from areas hit by recession or drought. Intimidation and physical force were used frequently to inhibit workers from leaving. Their wages were often used to pay for transportation, tools and food. That system left them in a cycle of debt. It was noted that figures regarding the pervasiveness of the practice might be inaccurate owing to the limited number of reported cases and a lack of systematic official monitoring. The following recommendations were proposed by Anti-Slavery International as short-term measures to address that situation:

(a) Enterprises should be held responsible for the conditions and fate of labourers working for them. Enterprises found to have used slave labour should be disqualified from fiscal incentives and government credit schemes; indeed there were already legal provisions covering expropriation of land under the 1988 Constitution;

(b) As seasonal labour flows were predictable, considerably more could be done to monitor the exodus of workers from one side of the country to another. In addition to strengthening the resolve of highway police and regional labour inspectorates, trade unions, local councils, human rights organizations and State representatives could play a role in registering and keeping track of workers migrating for work;

(c) The use of intermediaries in contracting labour was open to abuse and could lead to illegal forms of recruitment. Ways should be found to regulate and control those practices.

48. At the same meeting, the representative of the International Fellowship of Reconciliation (IFOR) addressed the issue of slave labour forced on Koreans by Japan. The representative stated that the Japanese Government had been refusing to make any formal investigation into the Korean slave labour and human biological experiments issues. He pointed out that no indictment had been made before the International Military Tribunal for the Far East with regard to the slave labour of 6 million Koreans and human experiments forced on thousands, including prisoners of war, in China by the Japanese during the Second World War. He stated that 6 million Korean men and women had been abducted or compulsorily displaced to various places in Korea, Japan, Sakhalin and other parts of the Asian and Pacific region. They had been forced to work in military facilities and other industries. It was believed that 576,000 among 1.5 million Koreans who were deported to Japan for slave labour had died in captivity. Coercion, violence, threats and/or deprivation of privileges were alleged to have been used to ensure mobilization of Korean labour. IFOR believed that Japan was to be held to have committed international crimes entailing its international responsibility. It also believed Japan guilty of breaches of international obligations, including those relating to the right to freedom from slavery, and of crimes against humanity. A comparison was drawn between Japanese and Nazi German war crimes during the Second World War. The Japanese slave labour case on Koreans could be appropriately judged based on the precedent of the Nûrenberg International Military Tribunal. It was pointed out that the Charter of the International Military Tribunal of the Far East included a provision (art. 5 (c)) which stipulated "Crimes against humanity, namely, murder, extermination, enslavement, deportation, and other inhumane acts committed before or during the war, ...".

49. At the 3rd meeting a representative of Liberation made a statement on the issue of the forced displacement and servitude of Koreans by Japan during the Second World War. He stated that the Koreans displaced could be classed into three categories: 1. those who were taken from Korea to Japan under the labour mobilization and national mobilization plans; 2. those drafted under the national drafting law; 3. those soldiers, army employees, members of the women's volunteer corps and "comfort women" who were drafted during the Second World War. They were all displaced forcibly by abduction, forcible recruitment and other fraudulent methods. He presented the testimony of former labourers, as well as former Japanese officials. They described the forcible abduction of labourers, the harsh and dangerous conditions of work and the use of coercion and deceit to retain workers for long periods. The former officials described how the labour plans could not have been implemented without the complicity of government authorities and the police. The representative of Liberation expressed his organization's hope that the United Nations would show a positive response to the forcible displacement of Koreans and the forced labour imposed upon them.

50. At the same time meeting, the representative of the International Federation Terre des Hommes made a statement concerning forced labour in Haiti. The practice of keeping a young child from the countryside as a servant had a long history in Haiti, even among the less wealthy families. The young boys or girls, called "restavek", were offered a meagre wage for their services. Those children were exploited and often sexually abused by the family for whom they worked. Only a few developed the will to escape. The representative drew the attention of the Working Group to the work of the "Foyer Maurice Sixto" where "restaveks" could find refuge and receive a free education.

51. A representative of Anti-Slavery International made a statement concerning bonded labour in Nepal, where the organization's reports estimated that there were as many as 100,000 families of bonded labourers. Bonded labourers with a one-year verbal contract were known as kamaiyas. A large proportion of these labourers were Tharu, the indigenous people of Nepal. Fifty per cent of all Tharus are kamaiyas. The standard terms of their employment were the following.

(i) A fixed amount of food, land, cash, or other goods was paid to the kamaiya by the employer or master, usually too little for the kamaiya and his family to live on for one year;

(ii) The possibility existed for the master to fine the kamaiya up to Rs. 54 (US$ 1) per day in the case of absence. He could also be fined for loss or damage of tools;

(iii) The wife and children of the kamaiya worked for the same master without additional payment; the family was the labour unit.

52. If the master did not fulfil his contractual duties or abused the kamaiya, the contract could not be ended before the end of the year. Women in kamaiya families were often victims of sexual harassment by the masters. Although kamaiyas were officially able to look for new masters at the end of the year, a system of loans kept labourers in debt and bondage. Because they

borrowed the money from their masters, they must remain in their servitude until the loan was paid back. The bondage to the master could be life-long and sometimes generations long.

53. Another representative of Anti-Slavery International spoke on the subject of bonded labour in Pakistan. He raised the issue of the ongoing system of feudalism and its influence on the Pakistani Government and media. He stated that feudal landlords engaged in the purchasing and selling of slaves. They were extremely powerful and had the right to rule over their labourers. Bonded labourers were found in such industries and activities as carpet-making, the textile industry, coal mining, brick-making and camel racing. The workers were sometimes subjected to sexual abuse as well. The representative stated that the central Government of Pakistan was running carpet and handicraft centres in which children were employed under the same harsh conditions found elsewhere. Regarding that issue, the following recommendations were made:

(a) The United Nations should appoint a special rapporteur on bonded labour and child labour;

(b) The ILO Programme of Action against Child Bondage, adopted at Islamabad in November 1992 should be implemented in South Asia; drastic steps have to be taken;

(c) 18 September should be declared an international day for the abolition/elimination of the bonded labour system, as had already been done in South Asia;

(d) The United Nations should draw up an international syllabus, based on the Human Rights Charter for students of all ages;

(e) Arrangements should be made for legal aid for workers and free and compulsory education for all children up to the age of 18;

(f) There should be an international campaign for consumers not to buy carpet and other articles made by children;

(g) Every country should have a law prohibiting the import of articles made by children or bonded labour.

54. At the 4th meeting, a representative of Anti-Slavery International made a statement regarding the exploitation of child domestic servants in West Africa. Young girls were usually taken from rural areas as servants for prosperous urban families with whom they stayed for several years. Parents in some countries received payment for the girls' services through the help of intermediaries. The servants were often subjected to physical abuse, malnourishment and long working hours, and many in their adolescence became the victims of sexual abuse. It was recognized that child domestic servitude stemmed from a traditional practice where wealthier relatives took in the children of poor relations and gave the children duties and responsibilities similar to those in their own home. The need for research in order to determine the real extent of the problem was stressed. The use of seminars as a way to exchange information and experience was proposed.

55. At the same meeting, the representative of the International Fellowship of Reconciliation made a statement concerning Korean forced labourers. His organization believed that violations of the human rights protected by the ILO Convention (No. 29) concerning Forced Labour, of 1930, ratified by Japan is 1932, substantiated claims of the State responsibility of Japan. IFOR did not believe that the agreement reached between the Republic of Korea and Japan had any capacity to nullify the human rights of any individual victims as States and individuals are different entities. They pointed out that there has been no agreement reached between the Democratic People's Republic of Korea and Japan. IFOR believed that the existence of State responsibility on the part of Japan arising from international crimes committed by the Japanese Government with regard to 6 million Korean slave labourers during the Second World War was clear. IFOR urged the Japanese Government to take immediate steps to resolve all the claims for reparation made by individual victims. The same should apply to all other atrocities, including those committed in the case of the Filipino victims and that of the allied POWs and civilian internees.

56. The International Fellowship of Reconciliation also gave a series of testimonies on the subject of the forced labour and internment of the Dutch in Indonesia during the Second World War, when 140,000 Dutch civilians and soldiers had allegedly been held captive by the Japanese. Although the Japanese Government had made promises that the civilian internees would not be forced to labour, the same rules applied to military prisoners were applied to civilian internees. Through the testimony of several witnesses, the conditions of the internment camps were presented. Men, women and children had been all made to work. Prisoners had worked up to 12-hour shifts. They had been subjected to enormous physical abuse, food deprivation and unsanitary living conditions, exposed to a number of diseases without proper medical attention. Escapees, if caught, were executed in public in unusually cruel ways as an example to other internees. The International Fellowship of Reconciliation had requested wages for the forced work done for the Japanese Imperial Army during the Second World War. The case of Germany was cited by one of the witnesses to stress the need and ability of Japan to pay reparation.

57. In relation to the statement made by the representative of IFOR at the 4th meeting, the observer for ILO stated at the 7th meeting that Convention No. 29 on forced labour had been adopted by the International Labour Conference in 1930. It was the Committee of Experts on the Application of Conventions and Recommendations, an ILO supervisory body, which, while determining whether the requirements of an ILO convention were being respected, considered and expressed views on the content of the provisions of the Convention and determined its legal scope where appropriate.

58. Also at the 7th meeting, the representative of Liberation presented a report on the forcible displacement of Koreans and forced labour imposed upon them by Japan. According to the "labour mobilization implementation plans" (1939-1941), and the "national mobilization enforcement plans" (1942-1944), both prepared by the Japanese authorities, about 4.5 million Koreans had been displaced inside Korea and about 1.5 million taken to Japan. A series of reports and materials were cited to support the claims made by the representative of Liberation. It was further stated that after a contract

term were expired for Korean labourers, the contracts had been forcibly renewed. Working conditions for Korean labourers had been extremely harsh. Wages, half of that of Japanese workers, had been taken for food, travelling expenses to the work site and clothing. The remainder had been forcibly deposited to prevent workers from leaving. If a worker had attempted to escape, punishment had been severe. Liberation estimated that the total amount of retained deposits was 290 billion yen at current value.

59. At the same meeting, the observer for Pakistan said that, with regard to the statutory provisions concerning bonded labour, the Government of Pakistan had enacted recently a very significant law: the Bonded Labour System Abolition Act - III of 1992. Under that law, every bonded labourer stood freed and discharged from any obligation to render any bonded labour. No person should make an advance (peshqi) under, or in pursuance of, the bonded labour system or compel any person to render any bonded or other form of forced labour (sect. 4). The Act declared void and inoperative any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed before or after the commencement of the Act, by virtue of which any person, or any member of his family, was required to do any work or render any service as a bonded labour (sect. 5). Every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remained unsatisfied immediately before commencement of the Act, stood extinguished. No suit or other proceeding should like in any civil court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof (sect. 6). Provincial governments might entrust district magistrates with powers and duties to ensure the application of the Act. District magistrates should, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of the bonded labourer so that he might not have any occasion or reason to contract any further bonded debt (sects. 9 and 10).

60. The Act provided that compulsion to render bonded labour or extracting bonded labour under the bonded labour system would be punishable with imprisonment from two to five years or with a fine of 50,000 rupees, or both (sects. 11 and 12). The Act also provided for special enforcement measures, including the setting up of vigilance committees at district level consisting of elected representatives of the area, representatives of the district administration, bar associations, the press, recognized social services and labour departments of federal and provincial governments. Their functions consisted in advising the district administration on matters relating to the effective implementation of the law and, in a proper manner, helping in the rehabilitation of the freed bonded labourers, keeping an eye on the working of the law and providing the bonded labourers with the assistance necessary to achieve the objectives of the law (sect. 15).

61. At the 9th meeting a representative of the International Federation Terre des Hommes drew the Working Group's attention to the following specific recommendations:

(a) The establishment in all countries of national commissions to monitor and take effective action against child bondage, including children used as domestic servants and working without wages. Such national commissions should be made up of representatives of the national Government,

national trade union organizations and non-governmental organizations, and their activities should take the form of joint consultations and actions.

(b) The concrete actions to be undertaken by governmental and/or non-governmental organizations would include:

(i) Where necessary, the introduction of legislation governing child labour, including specifically child domestic servants, and the establishment of machinery to ensure observance of this legislation;

(ii) Introduction of a legal requirement of four to six weeks' holiday for child domestic servants and other child workers, spread over the year by common agreement between the employers and the parents or legal guardians of each child;

(iii) The introduction of a legal requirement for opportunities of regular contact between child domestic servants and their parents or guardians;

(iv) The establishment of appropriate organizations to ensure regular school attendance by and the occupational training of child domestic servants which should be easily accessible from their place of work;

(v) The training of social workers responsible for helping exploited children, and the creation of a sufficient number of salaried posts for these social workers;

(vi) Where possible, the designation of a free "SOS" telephone number, or even a specific place, for children wishing to report their plight (exploitation, bondage, abuses of all kinds, sickness, accident).

(c) The broadening of the terms of reference of the Special Rapporteur on the sale of children, child prostitution and child pornography to include specifically slavery-like situations of economic exploitation of child labour in all countries;

(d) The creation of an emergency procedure in the Working Group on Contemporary Forms of Slavery to enable it to receive and react speedily to information concerning child bondage;

(e) The launching in all countries of campaigns to inform the public at large and educate parents and employers about these forms of abuse of children and their rights.

62. The observer for Brazil made a statement in response to statements made by the representative of the International Abolitionist Federation and Anti-Slavery International at previous sessions. She expressed the Government of Brazil's satisfaction at the constructive initiative of the International Abolitionist Federation in sponsoring a project developed by a Brazilian organization, Casa de Passagem, that sought to help street children.

Furthermore, she stated that Anti-Slavery International was right to point out that Brazil did not lack adequate legal instruments to combat slavery but that the implementation of the law was hindered by several difficulties.

63. The observer for Brazil wished to clarify certain aspects of the statements made by Anti-Slavery International. Slave-like work was not a regular practice in Brazil; although it was growing owing to the deteriorating economic conditions and the rising unemployment rate, it was a marginal and outlawed phenomenon. Brazil had about 12,000 working unions, all independent and free from governmental interference. The right to strike was guaranteed by the Constitution and duly respected. The Ministry of Labour inspected working conditions throughout the country and the judiciary punished patrons found guilty of infractions with measures ranging from fines to imprisonment. The Brazilian authorities were deeply concerned at the increase in the number of workers subjected to slave-like conditions and were seeking effective solutions to the problem.

64. Lastly, the observer for Brazil expressed her country's support for the following initiatives:

(a) A seminar of experts to examine the ways and means for establishing an effective mechanism for the implementation of the conventions against slavery, traffic in persons and exploitation of the prostitution of others; Brazil believed that such a seminar should include not only experts but also States parties to the conventions and the relevant intergovernmental agencies;

(b) A campaign against disappearances linked to contemporary forms of slavery;

(c) The creation of rehabilitation centres for children and adolescent victims of sexual exploitation.

## D. Exploitation and traffic in all its forms affecting children, including the phenomenon of child soldiers, illegal traffic for the purposes of adoption and organ transplants

65. At the 4th meeting, the representative of the International Association of Democratic Lawyers made a statement concerning the traffic in human organs. It appeared that that traffic, particularly involving children, was worsening. It was thought to be thriving in Argentina, Colombia, Honduras, Mexico and Peru, while there was considered to be evidence of traffic in children's organs in Albania, Greece and Italy. She underlined that children, victims of that traffic, were usually killed by the traffickers. Moreover, she regretted to note that the last report of the Special Rapporteur on the sale of children did not contain any new information on the issue.

66. At the 7th meeting, the representative of the International Association of Democratic Lawyers, pursuant to her statement of 18 May 1993, recommended that persons entrusted by the United Nations with the task of providing the Working Group with the necessary information on the traffic in children's organs (the Special Rapporteur, for example) should conduct more thoroughgoing inquiries with official investigators in the countries concerned by arranging

interviews with judges, lawyers and even policemen involved in such cases. The steps taken to investigate the traffic in children's organs should have a deterrent effect.

E. Incest

67. At the 5th meeting, the representative of Action for Children Trust addressed the subject of incest. Sexual abuse of children inside the family was identified by the organization as the most common, most reprehensible, socially unacceptable and spiritually harmful betrayal of children within the whole array of contemporary forms of slavery. The Action for Children Trust expressed its condemnation and rejection of incest and all other forms of sexual abuse.

68. The Chairman expressed the grave concern of the members of the Working Group at the repugnant practice of incest and its link with other forms of sexual abuse of children, in particular girl children. Given the lack of information on that complex issue, the Chairman invited the participants in the Working Group to present, at future sessions of the Group, any kind of study they considered would be useful in order to combat that form of slavery.

## VI. DEVELOPMENT OF NATIONAL AND INTERNATIONAL MEASURES AND STRATEGIES TO PREVENT AND TO ELIMINATE CONTEMPORARY FORMS OF SLAVERY

A. Elaboration of guidelines to protect minors, particularly children, from prostitution and pornography

69. At the 4th meeting, the representative of Action for Children Trust made a series of observations and recommendations concerning the prostitution of children, the use of children in pornography and the abduction, sale or trafficking in children for those purposes. Her organization encouraged non-governmental organizations to contribute to the Trust Fund on Contemporary Forms of Slavery. The Action for Children Trust had identified specific dangers for children where intercountry adoption was used as a cover for the transfer of children abroad for sexual purposes. The organization encouraged and supported educational, rehabilitational and "rescue" projects for sexually abused and otherwise exploited children. Citing opium use in Sri Lanka, and its connection with child labour and prostitution, she stated that a drug eradication and rehabilitation programme must form an essential part of any action to solve that problem.

70. At the 5th meeting, the representative of NANBAN addressed the issue of female street children and prostitutes in India. Recognizing the danger of sexually transmitted diseases and the psychological and physical effects of life on the street, he made the following recommendations:

(a) The Government of India should first take stock of the situation of children in difficult circumstances and should define their policies in the light of facts obtained from recent research. Greater attention should be given to making existing educational programmes more attractive and flexible enough for children in difficult circumstances to benefit from them;

(b) Community development programmes should be strengthened and extended. Existing social welfare programmes, such as health, non-formal education, vocational training and night shelter programmes, should be extended to cover that vulnerable target group;

(c) Cooperation and coordination should be facilitated between local administration and non-governmental organizations in the planning and execution of specific programmes;

(d) The public should be sensitized on issues relating to child prostitution in order to bring about a change in attitude and foster positive action. To achieve that, the use of the media was invaluable.

71. At the same meeting, the representative of the International Catholic Child Bureau (ICCB) introduced guidelines to protect minors from prostitution and pornography. The following recommendations were proposed:

(a) That the United Nations should initiate seminars for three to four countries to help Governments and non-governmental organizations implement the Programme of Action on the Sale of Children, Child Prostitution and Child Pornography;

(b) That the Working Group on Contemporary Forms of Slavery should recommend to Governments that protection of children against sexual exploitation through prostitution and pornography should be extended to all children up to the age of 18 consistent with the standards in the Convention on the Rights of the Child;

(c) That the Centre for Human Rights should draft a brochure on how international conventions had been used at the national level, with success or not, to improve the situation of children; examples of country situations would be helpful.

72. The following action had been taken by ICCB on that subject:

(a) ICCB had a programme of research and evaluation of projects working with child victims of sexual exploitation in the Latin American region and would be happy to present the results of that work at a future session of this Working Group;

(b) ICCB was planning to sponsor a training visit by trainers in Cambodia to Thailand to help set up child welfare services in Cambodia;

(c) ICCB had organized a think-tank consultation in cooperation with Caritas Internationalis in Bangkok in November 1992. A working strategy had emanated from that consultation which was currently being implemented.

73. At the 7th meeting the observer for Senegal made a statement concerning the role of issues such as child prostitution and pornography in the World Conference for Human Rights, to be held at Vienna from 14 to 25 June 1993. The observer noted that in the preparatory documents for the Conference, the part mentioning child prostitution and child pornography was still in square brackets. The observer regretted that, just before the World Conference,

considered as a milestone in the promotion of and respect for human rights, the international community appeared to be neglecting the rights of the child. He assured the Working Group of the interest and concern of his Government for these issues, and asked the other observers present to convince their Governments of the necessity for a joint effort in order to find a solution to those scourges of mankind.

74. At the 8th meeting, the representative of INTERPOL-ICPO made a statement concerning the meeting of a standing working party at Lyon from 23 to 30 March 1993. The findings of that working party could be of interest to the Working Group. The first general consideration was that in all police action concerning children, the best interests of the child should be a primary consideration. Secondly, it was laid down that the approach to combating offences against children should be victim-oriented. Thirdly, all police initiatives in connection with offences against children should aim at multidisciplinary cooperation. It was significant that the Convention on the Rights of the Child had had some influence on that INTERPOL project (the term "best interests of the child" originated from that Convention). It was also significant that a police organization was dealing with victims, in contrast to the usual approach oriented towards offences or offenders. Lastly, he said that it was also significant that multidisciplinary cooperation was embedded in the report of the working party, committing the police to be the driving force behind the concerted action of various professions. The working party had also discussed recommendations on law enforcement measures, child pornography, international adoption, sex tourism, child prostitution, international cooperation, telephone help-lines for children, legislation and enforcement, as well as missing children. One of the first tasks to be tackled by the standing working part would be to ask member countries to nominate a specialist liaison officer for their country as a contact point for the members of the standing working party. Secondly, it was planned to inform member countries of new modus operandi and to provide them with general information on child pornography. The standing working party had decided to meet twice a year. The next meeting was provisionally planned from 5 to 7 October 1993.

## B. Encouragement of the creation of national institutions for the prevention of prostitution and the economic and social reintegration of prostitutes

75. At the third meeting, the representative of the Josephine Butler Society made a statement regarding prostitution in the United Kingdom of Great Britain and Northern Ireland. She stated that widespread ignorance existed concerning the negative aspects of prostitution. Members of the media shared and added to that ignorance by a sensationalistic approach to the matter. She said that officially legalizing brothels or tolerating their existence in the United Kingdom would provide a legal market for prostitution and stimulate the national and international traffic in persons for the purpose of prostitution and that "decriminalization" would benefit the exploiters by removing safeguards needed by all women. The Josephine Butler Society believed that the law on prostitution should be based on principles of social justice, equality of all citizens before the law and a single moral standard for men and women. Loitering or soliciting should be punished as such. Importunate behaviour, whether by prostitutes and their clients or other persons, which caused annoyance, nuisance or distress to other citizens should be punished

accordingly. The Society called for the strengthening and more vigorous enforcement of the law which penalized the exploiters of prostitution, believing that that could lead to the exposure of criminal undertakings financed by the profits of prostitution.

C. Measures aimed at putting an end to sex tourism

76. At the 5th meeting the representative of the International Abolitionist Federation made a statement concerning the killing of street children and sex tourism in Brazil. He drew the attention of the Working Group to the need for preventing the serial killing of street children and for bringing the authors of such crimes to justice. He also called for stricter implementation of the laws against sex tourism.

77. Also at the 5th meeting the representative of End Child Prostitution in Asian Tourism (ECPAT) presented a statement on child prostitution in Taiwan. Reports revealed that more than 20,000 children, mostly between the ages of 12 and 16, were engaged in prostitution and sex tourism. She said that the sex tourism industry was set up in the aboriginal areas of Taiwan. She asserted that the Government developed the tourism industry in those areas and took land away from the indigenous people. Jobs were difficult to find in those areas and many girls were sold to private brothels for sexual slavery. Although Taiwan was not a member of the United Nations, ECPAT would like to enlist its help in the cause of those victims of child prostitution.

78. At the 6th meeting, the representative of Eyes Campaign against Child Exploitation made a statement concerning measures aimed at eradicating sex tourism. The representative remarked upon various measures taken by the United Kingdom regarding that issue. In the United Kingdom the marketing of sex tours constituted an offence under certain provisions of the Law Reform Act 1977 as a conspiracy to offend against public morals and decency. The practice had serious consequences for any tour operators or travel agents who were found guilty.

79. With regard to the link between sexual abuse of children and international adoptions, Eyes Campaign against Child Exploitation called upon the Working Group to support their efforts to ensure that potential adopters were not involved in activities such as organized paedophilia, child pornography or child prostitution. It also asked the Special Rapporteur on the sale of children and the Working Group to help it in monitoring the situation in the United Kingdom regarding the extradition of accused British citizens to countries where sexual abuse against children was allegedly committed. It was pointed out that although an extradition treaty existed between the United Kingdom and Thailand, none existed between the United Kingdom and any other country. The Eyes Campaign against Child Exploitation asked for support in bringing about the necessary changes. He stressed the need for the participation of children during future sessions of the Working Group, and requested that the United Nations Trust Fund on Contemporary Forms of Slavery and non-governmental organizations make funds available for that purpose.

D. Indemnification, reparation and compensation of victims of slavery, slavery-like practices and other contemporary forms of slavery

80. At the 4th meeting a representative of the International Fellowship of Reconciliation made a statement concerning biological experiments conducted on prisoners of war and civilians during the Second World War by the Japanese imperial army in Manchuria. He requested that the Working Group investigate and compile a report on the facts surrounding Unit 731 and the bacteriological warfare units, as well as on the human bones excavated at the military medical college; advise the Japanese Government to recognize the crimes of Unit 731 and those of the other bacteriological warfare units; and advise the Japanese Government not to dispose of the above-mentioned human remains.

81. At the 8th meeting the representatives of the International Commission of Jurists, the World Council of Churches and the International Association of Democratic Lawyers addressed the issue of "comfort women" forced into sexual slavery by the Japanese Government. That issue dominated much of the eighteenth session of the Working Group. It was estimated that from the late 1920s until the end of the Second World War approximately 200,000 women had been forcibly conscripted into prostitution for the Japanese military. Most of the women had come from Korea. Many had also been drawn from China, Indonesia, the Philippines and other Asian countries under Japanese control. Various methods, including physical violence, kidnapping and deception were allegedly used to carry out the official policy of providing sexual services to Japanese soldiers. The organizations claimed that the Japanese military authorities were fully responsible for the establishment, operation and management of "comfort" stations, as well as the manner in which the women were taken to these stations. The personal testimonies of two former victims of sexual slavery were presented to the Working Group. The women described the conditions under which they were forced into prostitution and their subsequent experiences as sexual slaves. They stated that they were repeatedly raped, suffered severe physical abuse and were exposed to sexually transmitted diseases that currently affected their health. The following recommendations were made regarding that issue:

(a) Japan should conduct a thorough investigation and disclose all information it had or discovered concerning that matter.

(b) Monetary compensation should be provided to the individual victims, along with a sincere apology.

(c) Japan should include and describe the historical facts in its textbooks and take subsequent measures to leave them as the records of history.

(d) The allied forces should make a public disclosure of all documents in their own files pertaining to that issue.

(e) The special rapporteur on compensation for the victims of gross violations of human rights should produce a report which would contain the results of fact-finding, legal analyses, conclusions and recommendations for the solution of that matter.

(f) The Working Group on Contemporary Forms of Slavery should ask various United Nations agencies to be concerned with that issue and to take possible action. The Economic and Social Council should be asked to confront the International Court of Justice on that issue.

(g) A permanent international penal court should be established so as to prevent the commission of such crimes in the future.

82. Also at the 8th meeting, the representative of Third World Movement against the Exploitation of Women presented a statement on Filipino "comfort women" forced into sexual slavery by the Japanese imperial army during the Second World War. Women had been forced against their will in a situation of military occupation into degrading and demeaning sexual slavery as part of the Japanese government and army policy to provide sexual "comfort" to its soldiers. "Comfort" women had also been exposed to severe physical abuse and to sexually transmitted diseases. The organization made the following demands on behalf of the women victims of that forced slavery:

(a) That the Government of Japan take proper action regarding the comfort women:

(i) A formal apology should be made by Japan to the Filipino people and specifically to the women victims and their families;

(ii) Adequate compensation should be provided by Japan to the women victims and their families;

(iii) Both the Japanese and Philippine Governments should include a reference in texts and history books to the violation of women's human rights in the form of sexual slavery as "comfort women" as a war crime of Japan in order that abuses against people, especially women and children would not be repeated;

(iv) Japan should admit the use of force and violence in the conscription and treatment of "comfort women" as sex slaves;

(b) That the Government of the Philippines act on behalf of Filipino "comfort women":

(i) By undertaking an official investigation and search for surviving "comfort women" or their families;

(ii) By demanding compensation and a formal apology from Japan for the survivors and their families;

(c) That the Commission on Human Rights conduct a thorough investigation of the issue and censure Japan for its human rights violations and cover-up of information.

83. The observer for Japan, at the same meeting, made a statement with reference to the issue amongst others, of so-called "comfort women" during the Second World War. He expressed the opinion that the United Nations was not an organ for discussing past issues of particular countries, especially those

which had occurred before its establishment. He added that the mandate given to the Special Rapporteur of the Sub-Commission on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, was as set out in Sub-Commission resolution 1989/13, to undertake a study, with a view to exploring the possibility of developing some basic principles and guidelines. Therefore, it was outside the Special Rapporteur's mandate to make recommendations on individual cases of claims for compensation. The recommendation of the Working Group, contained its report on its seventeenth session (E/CN.4/Sub.2/1992/34), and the request of the Sub Commission in its resolution 1992/2 (para.18), was that the Secretary-General submit to the Special Rapporteur information received by the Sub-Commission and by the Working Group regarding the situation of women forced to engage in prostitution during wartime. They did not, however, give the Special Rapporteur a mandate to study individual cases and claims.

84. The position of his delegation on the procedural aspect of that issue, especially with regard to the 1503 procedure, coincided with Sub-Commission decision 1991/104 in which it stated that the 1503 procedure could not be applied as a reparation or as a relief mechanism in respect of the claims of compensation for human rights suffering or other losses which occurred during the Second World War. He observed that the Government of Japan had dealt with the issue of claims, including the question of compensation, in accordance with multilateral and bilateral peace treaties, as well as other relevant treaties, with the countries concerned. For example, the claims issues between Japan and the Republic of Korea had been resolved by an agreement, signed on 27 June 1965, on the settlement of the problems concerning property and claims, and on economic cooperation between Japan and the Republic of Korea. The claims issues between Japan and the Democratic People's Republic of Korea were under discussion in normalization talks between the two countries. Moreover, the Government of Japan had expressed its sincere apology and remorse to all those, irrespective of nationality or origin, who had indescribable pain and suffering as so-called "comfort women". He added that the Government of Japan was also doing its utmost to establish the facts of that issue.

85. At the 9th meeting, the observer for the Democratic People's Republic of Korea expressed the concern of his delegation at the spreading of contemporary forms of slavery, in particular child prostitution, forced labour and sex tourism, despite the continued efforts of the international community over 70 years since the adoption of the 1926 Slavery Convention and also at the lack of awareness of the general public on that issue and of proper measures by national Governments and the international community to prevent them. In particular, the testimonies of the former victims of the inhumane crimes committed by Japan during the Second World War were an indisputable proof that gross human rights violations, although they had occurred in the past, should not be left unnoticed.

86. He also said that the issue had already become a matter of international concern: international conferences had been held in many countries, including Japan and Nepal, and studies on the issue had been conducted by many international legal organizations, including the International Commission of Jurists. In that regard, the observer for the Democratic People's Republic of

Korea drew attention to the letter from the Special Rapporteur, Mr. van Boven, contained in document E/CN.4/Sub.2/AC.2/1993/9, in which he expressed his willingness to undertake a study on the situation of women forced to engage in prostitution during wartime, on the basis of the documentation provided to him by the Secretary-General the recommendation of the Working Group and the decision of the Sub-Commission in 1992, without entailing financial implications. The delegation welcomed and supported the initiative of the Special Rapporteur and proposed that he should include in his study the issue of forced displacement during wartime.

87. At the 10th meeting, the observer for the Republic of Korea made a statement concerning the issue of "comfort women". Recalling that his delegation had already made its position clear on that issue at the previous Commission and Sub-Commission sessions, he said that his delegation believed that finding out what was wrong in the past was very important, because only by doing so could lessons be learnt from history. The decision of the Government of the Republic of Korea not to seek any financial compensation for "comfort women" was the result of its consideration that action should now focus on fact-finding. In that context, his Government supported the suggestion to appoint an expert for the purpose of fact-finding on the issue of "comfort women".

E. Miscellaneous

88. At the 9th meeting a joint statement was made by a representative of International Abolitionist Federation on behalf of that Federation and the following non-governmental organizations: Anti-Slavery International, World Federation of Methodist Women, International Alliance of Women, Action for Children Trust, Eyes Campaign against Child Exploitation and the International Catholic Child Bureau.

89. The representative stated that those organizations would have welcomed a more active involvement of the experts of the Working Group on Contemporary Forms of Slavery. They also noted the lack of replies from Governments explaining their non-ratification of the relevant conventions (Commission on Human Rights resolution 1993/27 and decision 1993/112).

90. The above-mentioned non-governmental organizations made the following proposals:

(a) That three meetings, during the first week of sessions of the Working Group, should be devoted to the programmes of action; that the Working Group then split up into three groups to discuss more informally the various reports and initiatives and to begin to formulate guiding principles. The Working Group could consider whether it would be useful for each of the three groups to concentrate on specific programmes of action, or aspects of them.

(b) That the non-governmental organization should be more active in lobbying Governments to send observers to the Working Group. They should not only inform Governments of reports that were to be submitted, but also request them to provide information about various initiatives taken in their countries and the results.

(c) That the secretariat discuss with UNICEF and UNESCO ways of improving both their attendance at the Working Group and their written submission.

(d) That the secretariat prepare a list of Governments which had not ratified the relevant conventions and again write to them to request them to consider ratification or to explain in writing why they felt unable to do so.

(e) That the Special Rapporteur on the sale of children and a representative of the Trust Fund on Contemporary Forms of Slavery be invited to attend the nineteenth session of the Working Group.

## VII. RECOMMENDATIONS ADOPTED AT THE EIGHTEENTH SESSION

### A. General considerations

91. A review of the information provided to the Working Group and of the problems brought to its attention showed that, despite the progress made in the protection of human rights and the preservation of human dignity, all over the world various forms of slavery still existed. Emphasis was placed on child and bonded labour, institutionalized sexual violence, problems relating to prostitution, drug trafficking and money laundering and incest. Emphasis was also placed on the need for specific objectives and remedies, in particular the possibility of reparation and compensation for victims of such violations of human rights.

92. The Working Group stressed yet again that the main cause of contemporary forms of slavery was poverty. However, poverty could not justify their persistence.

93. The Working Group reiterated its call for effective action to achieve the total elimination of apartheid and to assist its victims.

94. The Working Group also expressed the hope that the end of the twentieth century would coincide with the eradication of all forms of slavery.

95. The Working Group noted with interest and appreciation the work of the Committee on the Rights of the Child. The Group also noted with satisfaction that, as of 7 December 1992, 107 States had ratified the Convention, and called upon States which had not yet done so to ratify the Convention promptly and implement it effectively. The Group expressed the hope that the Committee would consider the possibility of sending a representative to attend its sessions.

96. The Working Group expressed its satisfaction at the forthcoming convening of the World Conference on Human Rights, particularly taking into account the goals of that Conference, as set forth in General Assembly resolution 45/155 of 18 December 1990. Given the utmost importance of the issues related to contemporary forms of slavery and the results of regional preparatory meetings and meetings of the Preparatory Committee, the Group expressed the hope that those issues would be extensively discussed at the World Conference, as well as the recommendations made by the Commission on Human Rights in its resolution 1991/30.

97. The Working Group noted with satisfaction the letter sent by the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, contained in document E/CN.4/Sub.2/AC.2/1993/9.

98. The Working Group welcomed the holding of the first session of the Board of Trustees of the Trust Fund on Contemporary Forms of Slavery and thanked the representative of the Fund for the active role he had played during the eighteenth session of the Working Group.

99. The Working Group thanked the Special Rapporteur on the sale of children for participating and for presenting an interesting report to the Working Group.

B. Recommendations

General

The Working Group on Contemporary Forms of Slavery,

Having devoted its eighteenth session to an overall evaluation of various contemporary forms of slavery, expresses its gratitude to all participants for information relating to traffic in persons and exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, and debt bondage;

Considers that slavery in its various forms is a crime against humanity and contrary to jus cogens rules of international customary law;

Calls upon all United Nations specialized agencies to cooperate with the Working Group and to coordinate their activities in seeking an integrated approach to the various problems in the field of slavery and the slave trade, including slavery-like practices in all their manifestations, and of traffic in persons and exploitation of the prostitution of others, all of which problems the Working Group is entrusted with reviewing under the terms of its mandate pursuant to Economic and Social Council decision 16 (LVI);

Welcomes the active cooperation at its eighteenth session of the International Labour Organisation and the International Criminal Police Organization (ICPO-INTERPOL) through the attendance of their representatives and, recalling Commission on Human Rights resolution 1993/27, urges all relevant United Nations bodies and specialized agencies to participate actively in the work of the Working Group, and, in particular, to be represented at its nineteenth and subsequent sessions;

Considers that an effective measure to assist in protecting the rights of those suffering from contemporary forms of slavery would be to strengthen the role of the Working Group by drawing upon the expertise of, and improving coordination and cooperation between, different United Nations bodies and organs dealing with contemporary forms of slavery issues;

Requests the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all

its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, and also requests that similar awareness be promoted by the Department of Public Information of the Secretariat;

Requests the Secretary-General to invite annually States which have not ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others to commence ratification procedures;

Reiterates its request to the Secretary-General, when preparing his next report on the status and implementation of the conventions on slavery and slavery-like practices, to provide the members of the Working Group with a list of States which have not yet signed, ratified or acceded to those instruments;

Recommends that States take urgent measures to reinforce the teaching of human rights to students of all ages, in particular in the curricula of primary and secondary education.

Sale of children, child prostitution and child pornography

(a) Special Rapporteur on the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes

The Working Group on Contemporary Forms of Slavery,

Takes note of the information on these problems submitted by the participants at its eighteenth session and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to his mandate;

Requests the Special Rapporteur, within the framework of his mandate, to continue to pay attention to issues relating to trafficking in children, such as organ transplantation, the use of children's body products, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation, child prostitution and the involvement of children in armed conflicts;

Invites the Special Rapporteur to participate in the nineteenth session of the Working Group;

Encourages all Governments to consider the creation of programmes aimed at the social rehabilitation of all persons involved in prostitution, and of children in particular.

(b) Removal of organs from children

The Working Group on Contemporary Forms of Slavery,

Concerned at information alleging that children are victims of, or are even killed for, the removal of organs for the purpose of commercial transplants;

Concerned also that, in spite of the persistence and the amount of information received on this matter, neither Governments nor ICPO-INTERPOL has confirmed the existence and the extent of this phenomenon;

Noting with satisfaction that some Governments and intergovernmental institutions have instituted measures to investigate this phenomenon;

Requests the Secretary-General to invite again all Governments, the United Nations institutions, including UNICEF, the specialized agencies, in particular WHO, ICPO-INTERPOL and all relevant non-governmental organizations to pursue their investigation of these allegations and to indicate any measures taken to counteract this practice wherever it exists, and to present a report to the next session of the Working Group;

Decides to examine this matter at its nineteenth session.

(c) Programme of action for the prevention of the sale of children, child prostitution and child pornography

The Working Group on Contemporary Forms of Slavery,

Having considered the information submitted by States specialized agencies and non-governmental organizations;

Decides, in accordance with Sub-Commission resolution 1992/2, to transmit, through the Sub-Commission, the report of the Secretary-General on the state of implementation of the Programme of Action to the Commission at its fiftieth session.

Eradication of the exploitation of child labour

The Working Group on Contemporary Forms of Slavery,

Takes note with satisfaction of Commission on Human Rights resolution 1993/79, adopting the Programme of Action for the Elimination of the Exploitation of Child Labour;

Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action;

Decides, in accordance with Commission on Human Rights resolution 1993/79, to examine at its nineteenth session the state of implementation of the Programme of Action and to transmit through the Sub-Commission a report thereon to the Commission;

Takes note with satisfaction of Commission on Human Rights decision 1993/112 authorizing the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of Mr. A. Bouhdiba, (E/CN.4/Sub.2/479) and to extend that study to the problem of debt bondage;

Recommends to the Sub-Commission that it appoint as soon as possible a special rapporteur on child labour and debt bondage;

Requests the Secretary-General to examine the state of implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour;

Recommends that the Sub-Commission take appropriate action at its forty-fifth session.

Eradication of debt bondage

The Working Group on Contemporary Forms of Slavery,

Takes note of the information on debt bondage provided by intergovernmental and non-governmental organizations and the constructive responses given by government observers;

Notes with appreciation the results of the seminar on this issue jointly organized by the International Labour Organisation and the Centre for Human Rights in Islamabad in November 1992;

Reiterates the recommendations contained in paragraphs 117 to 121 of the report on its fifteenth session (E/CN.4/Sub.2/1990/44);

Decides to keep this question under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice.

Child soldiers

The Working Group on Contemporary Forms of Slavery,

Expresses its concern that in many parts of the world children continue to take part in hostilities and are recruited into armed forces, and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

Takes note with appreciation of Commission on Human Rights resolution 1993/83 entitled "Effects of armed conflicts on children's lives";

Decides to continue to give attention to this question at its nineteenth session.

Question of disappearances linked to contemporary forms of slavery

The Working Group on Contemporary Forms of Slavery,

Gravely concerned at the information received on the link between trafficking in persons and enforced or involuntary disappearances,

Requests the Centre for Human Rights to continue to transmit to the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights any available information concerning disappearances submitted to the Working Group on Contemporary Forms of Slavery;

Invites the Working Group on Enforced or Involuntary Disappearances to pay increased attention to disappearances linked to contemporary forms of slavery;

Decides to continue consideration of this question at its future sessions.

Prevention of traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Convinced that traffic in persons and prostitution are incompatible with the dignity and worth of the human person;

Considering the necessity of promoting the implementation of international norms and standards against trafficking in persons and exploitation of the prostitution of others, and of strengthening the mechanism of implementation as provided for in the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

Convinced of the need for a concerted campaign against trafficking in persons and the exploitation of the prostitution of others to be given high priority within the United Nations system;

Noting that no action was taken by the Commission on Human Rights at its forty-ninth session with regard to the draft programme of action for the prevention of trafficking in persons and exploitation of the prostitution of others;

Recommends that the Sub-Commission propose that the Commission on Human Rights examine the draft programme at its fiftieth session;

Requests the Secretary-General to continue to seek the views of States concerning the draft programme of action for the prevention of trafficking in persons for submission to the Commission at its fiftieth session;

Requests the Secretary-General to convey again to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism;

Recommends that Governments restrict advertising that encourages sex tourism;

Encourages all Governments to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of contamination with the HIV virus and the spreading of AIDS;

Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

Recommends that States take urgent measures designed to protect minors from exposure to or involvement in child pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

Recommends that national bodies for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

Decides to seek information about, and to study at its nineteenth session, the relationships between traffic in persons, prostitution, drug trafficking and money laundering and international cooperation to combat these phenomena.

Machinery for monitoring the international conventions on slavery

The Working Group on Contemporary Forms of Slavery,

Recalling Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group on Contemporary Forms of Slavery;

Taking note of Commission resolution 1993/27 of 5 March 1993 in which the Commission encouraged the Sub-Commission, including the Working Group, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the conventions on slavery on the basis of the study prepared by the Secretary-General on that issue (E/CN.4/Sub.2/1989/37);

Recalling resolution 1982/15 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

Recalling also the recommendations of the Working Group adopted at its ninth, tenth and twelfth sessions;

Considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the conventions on slavery, is a violation of basic human rights and constitutes a breach of jus cogens;

Recommends once against that the Secretary-General request the States parties to these conventions to submit at regular intervals to the Sub-Commission reports on the situation in their countries, as provided for under the conventions;

Requests the Secretary-General to invite annually States which have not acceded to or have not ratified the conventions on slavery to explain why they have not done so and to report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and that a similar invitation be extended to States which have not ratified the conventions on forced labour of the International Labour Organisation;

Decides to continue to consider such reports and information and in so doing to appraise the progress which is being made towards the elimination of slavery;

Recommends that Governments be encouraged to avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular those of the International Labour Organisation;

Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

Recommends to the Sub-Commission that, in exceptional cases where serious allegations of slavery or slavery-like practices, supported by credible evidence, are submitted to the Working Group, the Working Group be authorized to enter into a constructive dialogue with the authorities concerned with a view to finding effective measures to remedy the situation;

Decides to continue its study of ways and means of strengthening the machinery for monitoring the implementation of the Slavery Conventions.

Main themes for 1994

The Working Group on Contemporary Forms of Slavery,

Decides to reformulate its provisional agenda as contained in annex I;

Decides to examine at its nineteenth session the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour in the light of information received from States, United Nations bodies, and intergovernmental and non-governmental organizations, as well as the consideration of any crucial, serious or urgent matters;

United Nations Trust Fund on Contemporary Forms of Slavery,

The Working Group on Contemporary Forms of Slavery,

Welcomes the holding of the first session of the Board of Trustees of the United Nations Trust Fund on Contemporary Forms of Slavery;

Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the Fund, and urges them to publicize the establishment and function of the Fund, so as to increase general awareness of its existence;

Recalls that the purposes of the Fund are, first, to assist representatives of non-governmental organizations from different regions dealing with issues of contemporary forms of slavery to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery;

Invites a representative of the Trust Fund to attend the nineteenth session of the Working Group.

Migrant workers

Recalling the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in its resolution 45/158 of 18 December 1990;

Concerned that the Convention, as of 31 July 1992, has been signed and ratified by three countries only;

Invites countries to ratify the Convention;

Notes that in recent years many countries have been running their development programme as well as the day-to-day maintenance of essential services with the help of a foreign migrant labour force;

Also notes that more often than not these workers are subject to rules and regulations, which are discriminatory and prejudicial to dignified living, forcing them to live separately from their spouse and their minor children, sometimes for extended periods;

Strongly condemns such practices of unequal treatment of guest workers and the denial to them of minimum human consideration and dignity;

Recommends to the Sub-Commission that it examine this issue at its forty-fifth session.

Incest

Concerned at the practice of incest, the sexual abuse of children inside the family, that is probably the most common, most widespread, most reprehensible, most disgraceful, socially unacceptable, morally repugnant and spiritually harmful betrayal of children within the whole array of contemporary forms of slavery;

Decides to include this item in its agenda for the nineteenth session and to consider ways to combat this form of slavery, and urges that adequate help be offered to victims of such practices;

Urges the Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence.

Miscellaneous

The Working Group on Contemporary Forms of Slavery,

Noting the information received concerning the sexual exploitation of women, as well as other forms of forced labour, during wartime;

Recalling its request to the Secretary-General made in its previous report to inform the Special Rapporteur on the right of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms on this issue;

Taking note of the wish of the Special Rapporteur to prepare a study on the sexual exploitation of women, as well as other forms of forced labour, during wartime, either in his capacity as special rapporteur of the Sub-Commission or as an independent expert;

Decides to transmit the information received on this matter to the Special Rapporteur on the right of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and to the Sub-Commission for their consideration;

Requests the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms to take into consideration the information received by the Working Group during its eighteenth session, as well as the information already submitted by the Secretary-General, in finalizing his report;

Takes note of Commission on Human Rights resolution 1993/81 entitled "The plight of street children" and decides to give particular attention to this issue at its next sessions;

Requests the Secretary-General to seek the views and suggestions of member States and of governmental organizations and non-governmental organizations on proposals for future Working Group action with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

Appeals to all Governments to send representatives to the meetings of the Working Group;

Encourages youth organizations as well as young persons from various non-governmental organizations to participate in the meetings of the Working Group;

Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

Also recommends that the ILO supervisory bodies and the UNESCO Committee on Conventions and Recommendations give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

Requests the Secretary-General to transmit to the above-mentioned committees, the Special Rapporteurs concerned and the Working Group on Disappearances the recommendations of relevance to them and the report of the Working Group;

Notes with satisfaction that the secretariat prepared an annotated agenda for the last four sessions of the Working Group and recommends that this practice be continued;

Again requests the Secretary-General to reassign to the Working Group a full-time professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside of the Centre for Human Rights on issues relating to contemporary forms of slavery, prepare documentation well in advance, facilitate the attendance at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session;

Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session;

Notes that the Commission on Human Rights, in its resolution 1993/27 of 5 March 1993, endorsed the recommendation of the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years.

Annex I

PROVISIONAL AGENDA FOR THE NINETEENTH SESSION OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY

1. Election of officers.

2. Adoption of the agenda.

3. Status, implementation and follow-up of the conventions on slavery and slavery-like practices and other existing instruments and machinery in this field:

   (a) Status of conventions;

   (b) Review of information received regarding the implementation of the new conventions and programmes of action;

   (c) Review of means of establishing an effective mechanism for the implementation of conventions;

   (d) United Nations Voluntary Trust Fund for Contemporary Forms of Slavery;

   (e) Activities of the Special Rapporteur on the sale of children and of the Committee on the Rights of the Child.

4. Review of developments in other fields of contemporary forms of slavery, in particular:

   (a) Slavery and slave-trade, including the slavery-like practices of apartheid and colonialism;

   (b) Debt bondage;

   (c) Forced labour;

   (d) Exploitation and traffic in all its forms affecting children, including the phenomenon of street children, child soldiers, illegal traffic for the purposes of adoption, and organ transplants;

   (e) Incest;

   (f) Migrant workers;

   (g) Institutionalized sexual violence, and sexual harassment, in particular in the workplace;

   (h) Sex tourism.

5. National and international measures and strategies to prevent and eradicate all contemporary forms of slavery, aimed inter alia at:

(a) The protection of minors, particularly children, from prostitution and pornography;

(b) The creation of national institutions for the prevention of prostitution and the economic and social reintegration of prostitutes;

(c) Traffic in persons, prostitution and drug trafficking, and international cooperation to combat these phenomena;

(d) The rehabilitation, reparation and compensation of victims of slavery and all slavery-like practices and contemporary forms of slavery;

(e) Education and dissemination of information, including United Nations instruments on contemporary forms of slavery.

6. Adoption of the report of the Working Group to the Sub-Commission.

## Annex II

## Attendance

### I. Members of the Working Group

Mr. Said N. Ramadhane
Ms. Linda Chavez
Ms. Marianela Ferriol
Mr. Ioan Maxim
Mr. Muksum-Ul-Hakim

### II. States Members of the United Nations represented by observers

| | |
|---|---|
| Brazil | Mr. Marcos Pinta Gama<br>Ms. Ana Candida Perez |
| Cyprus | Mr. George Zodiates |
| Democratic People's Republic of Korea | Mr. Dok Hun Pak |
| India | Mr. D. Chakravarti |
| Japan | Mr. Tetsuo Ito<br>Mr. Keiichi Aizawa |
| Morocco | Mr. Mohammed Houroro |
| Myanmar | Ms. Yin Yin Myint |
| Netherlands | Ms. G. Wolters |
| Pakistan | Mr. Hashmi Babar<br>Mr. Irfan Baluch<br>Mr. Ibne Abbas |
| Philippines | Ms. B. Muller-De Castro |
| Republic of Korea | Mr. Hyun-Dong Cho |
| Russian Federation | Mr. Y. Boitchenko |
| Senegal | Mr. Alioune Sene |
| Syria | Mr. Chaghaf Kayali |

### III. States non-Members of the United Nations represented by observers

| | |
|---|---|
| Holy See | Rev. Père Raymond Roch<br>Soeur Edith Castel |

## IV. United Nations bodies

| | |
|---|---|
| Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery | Mr. Michel Bonnet |

## V. Specialized agencies

| | |
|---|---|
| International Labour Organisation | Ms. J. Ancel-Lenners |

## VI. Intergovernmental Organizations

| | |
|---|---|
| International Criminal Police Organization | Ms. Sabine Manke |

## VII. Non-governmental organizations

### Category I

| | |
|---|---|
| International Alliance of Women - Equal Rights, Equal Responsibilities | Ms. Irmgard Rimondini<br>Ms. J. Hevl |
| Soroptimist International | Ms. U. Hemmerich-Barter |
| Zonta International | Ms. Danielle Bridel |

### Category II

| | |
|---|---|
| Anti-Slavery International for the Protection of Human Rights | Ms. Lesley Roberts<br>Mr. Salem Mezhoud<br>Ms. Suzanne Miers<br>Mr. Ehsan Ullah Khan<br>Mr. Kailash Satyarthi<br>Mr. Sushil Pyakurel<br>Mr. Denis von der Weid<br>Ms. Berhane Ras Work<br>Mr. Boubacar Massaoud |
| Associated Country Women of the World | Ms. M. Berruez-Bryant |
| Caritas Internationalis | Ms. Mary Tom |
| Commission of the Churches on International Affairs of the World Council of Churches | Ms. Kwan Doc Kyon<br>Ms. Shin Hei Soo |
| Defence for Children International Movement | Mr. Nigel Cantwell<br>Mr. Ricado Dominicé<br>Ms. M-F Lücker-Babel<br>Ms. Michèle Vignard<br>Mr. Paulo David<br>Ms. M.C. Salazar |

| | |
|---|---|
| International Abolitionist Federation | Ms. Anima Basak<br>Ms. Myriam Schreiber<br>Ms. Raymonde Pledran<br>Ms. Colette Villey<br>Mr. José Dillensegger<br>Mr. Henri Le Coz<br>Mr. Fernand Meert<br>Ms. Francine Meert<br>Ms. Anne Schütt<br>Ms. Joyce Ansell<br>Mr. P. Barruel de Lagewest |
| International Association of Democratic Lawyers | Ms. Renée Bridel<br>Ms. Won Jong Suk<br>Ms. Li Chun Sun<br>Ms. Chong Song Myong |
| International Catholic Child Bureau | Ms. Florence Bruce |
| International Commission of Jurists | Ms. Dilbur Parakh<br>Mr. Shantha Pieris |
| International Federation of Social Workers | Ms. E. Mouravieff-Apostol |
| International Fellowship of Reconciliation | Mr. S.A. Lapré<br>Mr. G. Jungslager<br>Mr. J.A. Leenders<br>Ms. A.M. de Pijper<br>Mr. Etsuro Totsuka<br>Mr. Masuda Hiromitsu |
| International Federation Terre des Hommes | Ms. Doris Charollais<br>Ms. Ellen Lacourt<br>Mr. M. Jean-Baptiste |
| International Service for Human Rights | Ms. Michele Buteau<br>Ms. Joana Gomes<br>Ms. Cecilia Jimenez<br>Ms. Virginia Murillo<br>Ms. Liliana Ortega<br>Ms. L. Theytaz-Bergman |
| Liberation | Mr. Hong San Jin<br>Mr. Jiro Suzuki<br>Mr. Ryu Gwang Su<br>Mr. Kim Jong Sok<br>Mr. Li Song Chil<br>Mr. Li Yong Sik<br>Mr. Chong Un Mo<br>Mr. Chong Myong Su<br>Mr. Hidenori Sasaki<br>Mr. Kang Ok Su |

| | |
|---|---|
| Rädda Barnen International | Mr. Jörgen Persson |
| World Federation of Methodist Women | Ms. Renate Bloem |

Roster

| | |
|---|---|
| Third World Movement against the Exploitation of Women | Ms. Yasmine Senturias<br>Ms. Jane Brock<br>Mr. A Senturias<br>Ms. A.T. Villaneuva<br>Ms. M.R. Luna Henson<br>Ms. Nelia Sancho |

## VIII. Other organizations

| | |
|---|---|
| Action for Children Trust | Ms. Sandra Khambatta |
| End Child Prostitution in Asian Tourism | Ms. Ming-Yu Lee |
| Josephine Butler Society | Ms. C.M. Hallums |
| Eyes Campaign against Child Exploitation | Rev. G. St. John-Willey |
| NANBAN | Bro. S. James |
| Test-Task Force to End Exploitation of Children in Thailand | Ms. S. Koompraphant |

## Annex III

## Documentation

1. The Working Group had before it the following documents:

| | |
|---|---|
| E/CN.4/Sub.2/AC.2/1993/1 | Provisional agenda |
| E/CN.4/Sub.2/AC.2/1993/1/Add.1 | Annotations to the provisional agenda |
| E/CN.4/Sub.2/AC.2/1993/2 | Status and follow-up to the Conventions on Slavery and Slavery-like Practices: Status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery |
| E/CN.4/Sub.2/AC.2/1993/3 | Status of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others |
| E/CN.4/Sub.2/AC.2/1993/4 | Status and follow-up to the Conventions on Slavery and Slavery-like Practices: review of reports and information received on the status and implementation of conventions; review of national legislation: Report of the Secretary-General pursuant to paragraphs 19 and 20 of the Sub-Commission resolution 1992/2 |
| E/CN.4/Sub.2/AC.2/1993/5 and Add.1 and 2 | Review of developments in other fields of contemporary forms of slavery: exploitation and traffic in all its forms affecting children, including the phenomenon of child soldiers, illegal traffic for the purposes of adoption and organ transplants: Report of the Secretary-General prepared pursuant to paragraph 7 of Sub-Commission resolution 1992/2 |

| | |
|---|---|
| E/CN.4/Sub.2/AC.2/1993/6 | Development of national and international measures and strategies to prevent and eliminate contemporary forms of slavery: Report of the Secretary-General submitted pursuant to paragraphs 25 and 26 of Sub-Commission resolution 1992/2 |
| E/CN.4/Sub.2/AC.2/1993/7 | Development of national and international measures and strategies to prevent and eliminate contemporary forms of slavery: Encouragement of the creation of national institutions for the prevention of prostitution and the economic and social reintegration of prostitutes |
| E/CN.4/Sub.2/AC.2/1993/8 | Follow-up of recommendations adopted at previous sessions on the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography |
| E/CN.4/Sub.2/AC.2/1993/9 | Indemnification, reparation and compensation of victims of slavery, slavery-like practices and other contemporary forms of slavery: Letter from the Special Rapporteur |
| E/CN.4/Sub.2/AC.2/1993/10 | Status of and follow-up of the Conventions on Slavery and Slavery-like Practices: review of means for establishing an effective mechanism for the implementation of the conventions |

2. The Working Group referred to the following as reference documents:

| | |
|---|---|
| E/CN.4/Sub.2/479/Rev.1 | Final report submitted by Abdelwahab Bouhdiba, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the exploitation of child labour |

| | |
|---|---|
| E/1983/7 | Report of Mr. Jean Laurent, Special Rapporteur on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others |
| E/CN.4/Sub.2/1989/37 | Study on ways and means for establishing an effective mechanism for the implementation of the slavery conventions, prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1989/35 |
| E/CN.4/Sub.2/1990/44 | Report of the Working Group on Contemporary Forms of Slavery on its fifteenth session |
| E/1991/18 | Report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others |
| E/CN.4/Sub.2/1991/41 and Corr.1 | Report of the Working Group on Contemporary Forms of Slavery on its sixteenth session |
| E/CN.4/Sub.2/1992/34 and Corr.1 | Report of the Working Group on Contemporary Forms of Slavery on its seventeenth session |
| E/CN.4/Sub.2/1992/35 and Add.1 | The recruitment of children into governmental and non-governmental armed forces: Updated report of the Secretary-General prepared pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/34 |
| E/1992/49 and Add.1 and 2 | Suppression of the traffic in persons and of the exploitation of the prostitution of others |

| | |
|---|---|
| E/CN.4/1993/58 | Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others. Report of the Secretary-General prepared pursuant to Commission on Human Rights resolution 1992/36 |
| E/CN.4/1993/65 | Status of the Convention on the Rights of the Child |
| E/CN.4/1993/66 | Rights of the Child: Draft programme of action for the elimination of the exploitation of child labour |
| E/CN.4/1993/67 | Rights of the Child: Sale of children: Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1992/76 |

---

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1993/31
8 July 1993

Original: ENGLISH/SPANISH/
ARABIC

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Item 15 of the provisional agenda

# CONTEMPORARY FORMS OF SLAVERY

## PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Report of the Working Group on Contemporary Forms of Slavery pursuant to paragraph 6 of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/2

GE.93-14082 (E)

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| INTRODUCTION | | 1 | 3 |
| I. | STATES | 2 - 76 | 3 |
| | Austria | 2 - 6 | 3 |
| | Brazil | 7 - 16 | 4 |
| | Burkina Faso | 17 - 21 | 9 |
| | Finland | 22 - 29 | 10 |
| | Germany | 30 - 38 | 11 |
| | Iraq | 39 - 40 | 13 |
| | Japan | 41 - 44 | 13 |
| | Liechtenstein | 45 | 15 |
| | Philippines | 46 | 15 |
| | Poland | 47 - 50 | 16 |
| | Spain | 51 - 54 | 17 |
| | Sri Lanka | 55 - 56 | 19 |
| | Thailand | 57 - 64 | 19 |
| | Yugoslavia | 65 - 76 | 20 |
| II. | UNITED NATIONS BODIES | 77 | 22 |
| | Economic Commission for Latin America and the Caribbean | 77 | 22 |
| III. | SPECIALIZED AGENCIES | 78 - 89 | 22 |
| | United Nations Educational, Scientific and Cultural Organization | 78 | 22 |
| | World Tourism Organization | 79 - 89 | 22 |
| IV. | INTERGOVERNMENTAL ORGANIZATIONS | 90 | 24 |
| | Organization of American States | 90 | 24 |
| V. | NON-GOVERNMENTAL ORGANIZATIONS | 91 | 24 |
| | World Muslim Congress | 91 | 25 |

## Introduction

1. In its resolution 1992/2, the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General, pursuant to Commission on Human Rights resolution 1992/74 of 5 March 1992, to invite all States to inform the Sub-Commission of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, contained in the annex to resolution 1992/74.

The Sub-Commission also requested the Working Group to examine the state of the implementation of the Programme of Action at its eighteenth session and to transmit, through the Sub-Commission, a report thereon to the Commission at its fiftieth session. In accordance with the above requests, the Secretary-General sent a note verbale to all States on 6 November 1992 and prepared a report (E/CN.4/Sub.2/AC.2/1993/8), containing the replies received, for the consideration of the Working Group. Having examined that report, the Working Group decided to transmit it, through the Sub-Commission, to the Commission at its fiftieth session.

## I. STATES

### Austria

[Original: English]
[21 August 1992]

2. Austria informed the Working Group on Contemporary Forms of Slavery that although there are no specific provisions concerning the sale of children, the general provision of section 195 of the Austrian Penal Code against abduction of minors (Entziehung eines Minderjährigen aus der Macht des Erziehungsberechtigten) is applicable to this particular case.

3. The Federal Youth Welfare Act of 1989 (Federal Law Gazette 161/1989) obliges the Laender (provinces) to enact laws regulating the procedure of adoptions.

4. In general, the Youth Welfare Boards of the Laender have the sole right to initiate an adoption here as well as in foreign countries. The Laender governments may, however, authorize private institutions to conduct such activities. The Youth Welfare Act of 1979 determines that financial rewards for the arrangement of adoptions are strictly forbidden.

5. There has never been any evidence that children were sold for the purpose of adoption. However, violations against the prohibition of such cases would be subject to punishment under section 195 of the Austrian Penal Code (see above).

6. There is no evidence that the sale of children for labour purposes occurs in Austria.

## Brazil

[Original: English]
[30 November 1992]

7. The Government of Brazil informs the Working Group on Contemporary Forms of Slavery that the Department of Federal Police (DPF) has strengthened its action in combating the phenomenon of the sale of children since 1973, when the first allegation related to the problem - the trafficking of 60 Brazilian children to Sweden by a foreign couple - was brought to its attention. Among the actions carried out since then, those of an administrative and preventive nature have prevailed after the Federal Police realized that the issuing of passports, by its Division of Maritime, Air and Border Police (DPMAF), was directly connected to the issuing of international air tickets and, therefore, to the international trafficking of children.

8. It has also been noted that the international trafficking of children is closely linked to shortcomings occurring before the process of international adoption is initiated. In order to be able to adequately monitor both legal and illegal steps before adoption, to avoid adoption being used as a disguise to traffic children across the border (including the abduction of children for that purpose), as well as to assess the pace of those criminal practices, the DPMAF decided to implement the following comprehensive administrative measures:

(a) Decentralization of its units to make sure that all necessary conditions were met when the biological mother gave her consent for the adoption of her child by a foreign couple. This procedure should be applied when doubts arise related to the legality of the adoption process at the moment of requesting a passport for a child adopted by a foreign couple;

(b) Preparation of a monthly list with the names of all children to whom Brazilian passports have been issued to travel accompanied by foreign adoptive parents, as well as the names of such parents and passport numbers;

(c) Fulfilment of all preconditions required - in accordance with article 9, paragraph 5 *in fine* of the regulation on passports approved by Decree No. 84.541/80 - for issuing a passport requested for an adopted child (presentation of a certificate of birth and the judicial warrant);

(d) Assurance that adoptions of Brazilian children by foreign couples were made in accordance with the provisions of articles 20 and 28 of Decree 6.697.79 (the former Code on Minors), which stipulates that adoption will be allowed providing that the child's situation was irregular, that adoption took place in the presence of the foreign parents and that a judicial warrant was issued before the necessary documents were legalized by the registry office. If any of these conditions is not fully met, the police authority submits the adoption process to the local judge of minors;

(e) Transmission, since 1985, of the names of children adopted by foreigners to the DPF's central computerized unit under a special code for expeditious identification;

(f) Establishment, in 1982 when the phenomenon of child trafficking became known, of a working group to study the extent of the problem and propose measures aimed at minimizing its effects. The working group put forward the following recommendations in its final report:

(i) Adoptions made under article 375 of the Civil Code or those subject to decisions by the judge of minors should only be authorized in the presence of the adopting couple;

(ii) The registry offices should draft the titles of adoption in the presence of a representative of the Attorney-General's office;

(iii) If the adopting couple lives or intends to live abroad, information should be provided to the Brazilian diplomatic or consular authorities in the concerned country on the conditions of health, education and assistance granted to the adopted child (such duties should be clearly defined in the adoption process);

(iv) As immediate steps to minimize the negative trends of this problem, the working group suggested that:

a. Contacts be established with the states' judiciaries (Corregodorias de Justiça) in order to reiterate to registry and notary's offices the need for a judicial warrant for the adoption of children in irregular situations;

b. Verification, by the Ministry of External Relations, through its diplomatic and consular missions abroad, be undertaken of the conditions under which Brazilian children adopted by foreigners live, as well as the real objectives of adoption;

c. Information regarding the trafficking of children be centralized in the Division of Political and Social Order in order to facilitate its analysis and to unify procedures;

d. DPMAF instruct all Passport Services to undertake the necessary inquiries when passports are requested for Brazilian new-borns by foreign parents. Individuals violating the law should be subject not only to criminal procedures but also to expulsion under the provisions of Decree 6.815/80;

e. Its report be disseminated among the regional offices of DPF. The working group's report was approved by the Minister of Justice who transmitted the document to the Department of Legislative Affairs, for further

consideration of changes in the adoption legislation, and the Department of Judicial Affairs, to reiterate the importance of judicial warrants for the adoption of children in irregular situations;

(g) Definition, by the Minister of Justice, of the competence of judges of minors or magistrates acting as such, in accordance with local legislation, to authorize the concession of passports for children;

(h) Recommendation that state judiciaries define such competence in order to ensure all legal conditions for issuing passports for minors, bearing in mind the particularities of the state judiciary organization of the states and the provisions of article 9, paragraph 2, of the regulation on passports adopted on 11 March 1980 by Decree 84.541.

9. The Working Group's report has gained wide support within the National Congress which approved Decree 7.251 on 19 November 1984 introducing changes in article 245 of the Penal Code with a view to defining the international trafficking of children (para. 2) and to raise the penalties for the perpetrators of such crimes.

10. In 1986, when the problem of the trafficking of children became widely recognized but remained difficult to characterize as a crime aimed at obtaining profits, DPMAF put forward the following suggestions:

(a) Transfer - in accordance with article 10, I and II of Decree 5.010, dated 30 May 1966 - to the federal judiciary of the competence to try all adoption cases involving Brazilian children and foreign couples. This proposal was not carried out but contributed to an important debate on the competence of the federal justice system to prosecute and try crimes of trafficking in children; this has been incorporated in the Federal Constitution;

(b) Presence of the foreign couple from the initiation of the adoption procedures, which can be carried out in their own language, with simultaneous interpretation into Portuguese by translators nominated by the federal judge;

(c) Collection of the following documents for a judicial decision on adoption by foreigners: identity cards of the couple, declaration by the competent judge of minors that the child was in an irregular situation; declaration by the biological mother and father, if any, ratifying the decision to authorize the adoption and stating the motives of such a decision; official translation of the marriage licence, certificates testifying to lack of criminal antecedents or judicial separation of the foreign couple, as well as proof that their economic and financial situation would allow for the necessary well-being of the child they wish to adopt;

(d) The requirement that the judicial sentence authorizing the adoption stipulates that the adopting couple should bring the adopted child annually to the Brazilian Consulate in their country for evaluation of his/her treatment, until he/she is no longer considered a minor according to that country's

legislation. The diplomatic or consular authority would have the duty of sending periodic reports to the federal judiciary through the Ministry of External Relations;

(e) A prohibition against foreign couples not permanent residents in Brazil to adopt children under articles 368 and 375 of the Civil Code and the former Code of Minors, except for the case stipulated in its article 20;

(f) A statement regarding the objective of the trip should be included in the passports of foreign couples who request visas in the diplomatic or consular missions with a view to adopting children in Brazil. Such information should also be transmitted by the competent mission abroad to the Ministry of External Relations.

11. With the sole exception of the suggestion in subparagraph (a), all the others have been incorporated in a direct or indirect way in the Statute of the Child and Adolescent. The positive results of actions carried out by DPF in this area led to its participation in a working group established in 1988 by resolution 01/88 of the Minister of Justice. This preliminary work served as a basis for the Statute of the Child and Adolescent which clearly qualifies illegal acts related not only to trafficking but also to international adoption.

12. DPF actions kept pace with the progression of international trafficking in children, allowing the opening of 264 police investigations in the country, including those carried out by the police of the states. Those inquiries enabled the police to identify 33 methods that have been used for trafficking in children. DPF has also been looking into the practices gangs use to "launder" funds gained from trafficking in children, notably investments in real estate and automobile markets and contributions to political campaigns. Other areas of concern have been the linkage between trafficking in children and other related crimes, such as extortion of traffickers by the biological parents of the adopted child, abduction of children for sale abroad and the use of stolen cars as payment for trafficking services.

13. Nevertheless, the federal police are conscious that preventive actions seem to constitute the best approach to combat the international trafficking in children. The emphasis on prevention results from the fact that curative measures have not led to encouraging results: the several investigations carried out up to date resulted in only one conviction for that crime. Furthermore, identifying cases of trafficking by the resulting profits has proved difficult. On one hand, the intermediary always alleges that the price paid corresponded to repayment of expenses incurred during the adoption process and to professional fees and, on the other hand, the adopting couple does not ask for any receipt for the transaction.

14. Preventive actions carried out at present consist of:

(a) Establishment of computer databases on international adoptions (10,685 up to now);

(b) Investigation of all acts preceding adoption. This measure has had positive effects for both the adopting couple and to the judiciary. DPF is receiving increasingly more requests for information from judges before adoptions are authorized. Unfortunately, however, there are no unanimous views on this controversial question. Some judges for children and adolescents in São Paolo have reacted against what they call a control over adoption procedures, alleging infringements of privacy and external monitoring of judicial acts. These allegations do not seem to be well founded as DPF action is carried out under strict secrecy and without any interference whatsoever in the judiciary's competence;

(c) Improved control over the procedures of issuing passports to adopted minors and of monitoring their departure to the countries of residence of the adopting parents, noting that the Statute stipulates that the trip is authorized only if the adoption is definitive;

(d) Enhanced cooperation with INTERPOL in the exchange of information on adoptions and trafficking. This collaboration includes participation of DPF officials in conferences and seminars held by that international entity on these matters;

(e) Control of departures to other countries and return to Brazil of pregnant women, in order to verify if their new-borns re-enter the country;

(f) Elaboration of a register of agencies for international adoption that are active in Brazil;

(g) Transmission to the executive, legislative and judicial powers of all relevant information related to trafficking and other crimes against children and adolescents, especially for Inquiry Parliamentary Commissions (CPIs).

15. In spite of improvements in the legislation, the number of adoptions has progressively increased, together with correlated crimes. Combating these phenomena requires an adequate infrastructure for the development of systematic work at the national and international levels. DPF is, therefore, considering the establishment of a self-financed governmental programme for such work with resources from registration fees to be charged to adoption agencies and nurseries active in Brazil and double fees charged for issuing passports for adopted children and adolescents. This programme, possibly to be called "National Programme for Prevention of International Trafficking in Children", would have as one of its priorities the improvement of monitoring of border cities which would often be used as transit points for adopted children.

16. In order to be able to check these allegations, representatives of DPF proposed, at an international seminar on crimes against minors held by INTERPOL at Lyons, France, from 7 to 9 April 1992, that emigration services of countries receiving Brazilian children consider providing to national authorities copies of pages 2 and 3 of their passports. The proposal was, however, rejected with the argument that a too-large number of children would be affected to detect just a few cases of trafficking.

## Burkina Faso

[Original: French]
[14 April 1992]

17. The action taken to combat the exploitation of child labour and child prostitution has been extensive and, in particular, includes:

(a) Keeping street children and youth under supervision without restricting their freedom or placing them in specialized re-educational and vocational training institutions;

(b) A policy of keeping rural youth in the villages through the activities of "young farmer training centres";

(c) Encouraging teachers of the Koran to take effective charge of beggar children who come to them for religious instruction and, at the same time, alerting them to certain forms of enslavement such as the situation of young girls and boys employed without any particular status or appropriate remuneration by households, and that of young girl immigrants, in particular from countries of the subregion, exploited by procurers.

18. As for the traffic in persons and the exploitation of the prostitution of others, it is clear, first of all, that procuring is on the increase in Burkina Faso. Unfortunately, the relevant provisions of the Criminal Code, though severe, are not in fact being applied. However, it is to be hoped that the new Criminal Code about to enter into force will be more effectively implemented in this particular respect.

19. It is also a fact that forced and/or early marriages persist and that (in some regions) certain married women are still being compelled to work to reimburse their husbands for the excessive marriage portion he has had to pay.

20. To prevent such situations from arising, the Individual and Family Code provides:

(a) For a minimum age for marrying of 17 for girls and 20 for boys, subject to exceptions authorized by the court;

(b) For observance of the principle of mutual consent to the marriage on the part of the future husband and wife and the principle of matrimonial freedom;

(c) For prohibition of the dowry as a fundamental condition of marriage.

21. It should be noted that the revised Criminal Code (1946) takes into account the new forms of exploitation, in particular with regard to children.

## Finland

[Original: English]
[9 November 1992]

22. Although the sale of children does not seem to constitute a problem in Finland, special attention should be given to attitudes towards this problem.

23. Trafficking in and sale of children are punishable under the law in force (chapter 25, section 1 (abduction), section 1 (a) (white slavery) and section 2 (child abduction) of the Penal Code). However, the actual concept of "sale of children" is not used in the valid provisions. Instead, it is stated that whosoever acquires control over a child with the intent of, e.g., delivering him into a condition of restraint abroad or into helplessness in a mortally dangerous place (section 1), using the child for immoral purposes (section 1a) or using him in begging or for another mercenary or immoral purpose or activity (section 2), shall be punished.

24. Chapter 25 of the Penal Code is now being revised in connection with the overall reform of the Penal Code. A government bill to that effect was to be presented to Parliament towards the end of 1992. The bill includes a proposal for a new section 3 of chapter 25, concerning abduction. According to this section, an offence would be considered an abduction if anyone through violence, threat or treachery acquires control over a child who has not reached 15 years of age, with the intent of using the child as an object of sale of humans. Attempts have been made to lay down the essential elements of the offence in such a manner as to ensure that all the different cases relating to the sale of children would be included. For punishment, imprisonment of 2 to 10 years is proposed, which is an extremely severe punishment in the Finnish penal scale.

25. Crimes involving trafficking in and the sale of children may be classified as grave offences. The extradition of an offender to the requesting country is possible under certain additional conditions.

26. Paragraphs 41 and 42 of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography relate to adoption, especially inter-country adoption. In 1985, a new Adoption Act entered into force in Finland (153/85), which includes provisions on inter-country adoptions. Pursuant to section 21 of the Act, only those Municipal Boards of Social Welfare and other bodies that have been authorized by the National Agency for Welfare and Health may render an inter-country adoption service. Under the same section, the Municipal Boards of Social Welfare and bodies rendering similar services that have obtained the authorization referred to above may cooperate with such a foreign authority, society or other foreign service-rendering body only as has been recognized by the Council of Adoption Affairs operating subject to the Ministry of Social Affairs and Health.

27. According to section 3 of the Adoption Act, a Finnish court shall not grant an adoption if any remuneration for the adoption has been given or promised. Adoption shall not be granted if anyone other than the adopter has, with a view to the adoption being granted, made or undertaken to make remunerative payments for the maintenance of the child. According to

section 53 of the Act, anyone who without an authorization, by announcing in a newspaper or otherwise, publicly offers a child for adoption is guilty of a punishable offence. Moreover, placing a child with the purpose of adoption, without authorization, in a private home to be brought up there is a punishable offence, if the agent is other than the child's parent or his/her legal custodian.

28. With respect to paragraph 43 of the Programme of Action, the Ministry of Justice notes that the Decree on the Registration of Births and Deaths (824/70) contains provisions on the issuance of birth certificates and on the report for entry into the population register. Pursuant to section 9 of the Adoption Act, the adoption of a minor child may not be normally granted without his parents' consent. Under section 10 of the Act, before the parents give their consent, a consultation shall be arranged with them, whereby all the social services and economic support benefits available shall be explained to them.

29. The Hague Conference on Private International Law is preparing a new convention on the adoption of foreign children. Finland is involved in the preparation of the convention.

## Germany

[Original: English]
[6 October 1992]

30. Germany states that there are no specific bilateral or multilateral arrangements between Germany and other countries concerning judicial assistance in the prosecution of the sale of children in relation to adoption or child labour, organ transplantation, child prostitution or child pornography. Transborder prosecution of such crimes is based on general agreements providing for mutual judicial assistance or informal cooperation.

31. In Germany it is an offence punishable under the Protection of Minors in Employment Act to assign children to work or other services comparable to that done by employees or home workers. Children and juveniles are protected from sexual abuse and prostitution by, in particular, the following provisions of the Penal Code: section 174 (sexual abuse of wards); section 175 (homosexual acts); section 176 (sexual abuse of children); section 180 (encouragement of sexual acts by minors); section 180 (a) (2) to (5) (encouragement of prostitution); section 182 (seduction). Children and juveniles are also protected by the general provisions of section 177, section 178 (sexual coercion), section 181 (trade in humans) and section 181 a (procuring). It is proposed to replace sections 175 and 182 of the Penal Code with a standard provision to protect male and female persons under 16 from sexual abuse.

32. In recent years, a new form of sexual abuse of children has emerged through the sale and distribution of pornographic video films. A large proportion of such films are made by amateurs, who film children from their own family and exchange or sell them privately. It has been estimated that video films circulate among 30,000 "lovers" of child pornography in Germany. Videos are sometimes produced on a commercial basis and rented or sold. Some

parents allow their children to be used in such productions for a fee. Many are made with children from the third world, either in Germany or in their native countries.

33. Unscrupulous profit-seeking is undoubtedly the chief motive for trade in child pornography. Since the production and dissemination of child pornography are punishable offences under section 184 (3) of the Penal Code, heavy "illegality" surcharges are added to the price. The punishment for such offences (imprisonment up to 12 months or a fine) is not considered an adequate deterrent in view of the profits to be made. The mere possession of child pornography material is not an offence. Greater efforts must be made to inform the public about the short- and long-term harmful effects suffered by children who are used as "actors" in pornographic films.

34. It is often difficult for the authorities to effectively prosecute offenders because the production and distribution of child pornography are difficult to prove, especially since the introduction of the new medium of video film. The entire production process can be completed without assistance. Furthermore, such films are not marketed via the normal networks, i.e. through videotheques and sexshops, but mainly through box-number advertisements - often in disguised form - in magazines or tabloid newspapers. Since the mere possession of such material is not punishable, dealers in video cassettes of this nature can pose as collectors by keeping only the "master" and making copies for sale as required.

35. An extensive list of measures to prevent and eliminate the production, distribution and use of child pornography has been introduced in the German Bundestag. A bill submitted by the Federal Government is intended:

(a) To increase the penalty for distributing child-pornography publications (including audio and video cassettes) to up to three years' imprisonment;

(b) To make pornographic depictions of children an offence carrying a penalty of up to 12 months or a fine;

(c) To make it easier to confiscate child-pornography products.

36. The sexual abuse of children which is the subject of such films or photographs carries a penalty of up to 10 years' imprisonment (section 176 of the Penal Code). The publication and distribution of child pornography, including the preparations for such (production, delivery, etc.) are absolutely banned and carry a penalty (section 184 (3) of the Penal Code). The possession of child pornography is to be made a punishable offence.

37. Section 184 (3) of the Penal Code relates to all pornographic writings within the meaning of section 11 (3) dealing with the sexual abuse of children. Under that provision, audiovisual recordings as well as illustrations and other representations are treated in the same way as writings.

38. A number of criminal proceedings are being conducted with regard to the production and distribution of child pornography. The biggest cases are probably those pending with the Public Prosecutor's Office in Hanover and Frankfurt/Main.

## Iraq

[Original: Arabic]
[28 December 1992]

39. The Government of Iraq states that the problem of the sale of children for whatever purpose (sexual exploitation or any form of labour, adoption, criminal activities or traffic in organs, etc.) does not really exist in Iraq and therefore has no social consequences in that country. Such acts fall within the comprehensive purview of Iraqi law, which regards them as among the most serious offences which are punishable under article 13 of the Penal Code, even if they are committed outside Iraq. In this respect, Iraqi law resembles other contemporary legal systems.

40. In view of the provisions of the Islamic Shariah, the system of adoption in the form in which it is normally practised in some States does not apply in Iraq. However, if a person wishes to adopt a child, he can take the child into his family as if he were the child's real father, with all the legal consequences that this entails. From the humanitarian standpoint, this system ensures additional rights for the child.

## Japan

[Original: English]
[25 March 1993]

41. In Japan the following punitive provisions regarding the sale of children apply:

(a) Penal Code. Article 224 (kidnapping or abduction); imprisonment at forced labour for not less than three months nor more than five years); article 225 (kidnapping or abduction for profit; imprisonment at forced labour for not less than one year nor more than 10 years); article 226 (kidnapping or abducting for transportation to foreign country and traffic in persons; imprisonment at forced labour for a limited term of not less than two years); article 227, paragraph 1 (assistance in kidnapping or abduction; imprisonment at forced labour for not less than three months nor more than five years); article 227, paragraph 3 (receiving a kidnapped or abducted person; imprisonment at forced labour for not less than six months nor more than seven years);

(b) Child Welfare Law. Article 60, paragraph 2 (imprisonment at forced labour for not more than one year or a fine of not more than 300,000 yen), a violation of article 34, paragraph 1, item (8) (acting as intermediary for the upbringing of a child (under 18 years of age) for the purpose of gaining profit).

42. Concerning child prostitution, article 177 of the Penal Code makes it a crime to have sexual intercourse with a girl under 13 years of age, regardless of its method or means. Also, article 60, paragraph 1, of the Child Welfare Law makes it a crime to induce a child (under 18 years of age) to practise obscene acts (sexual intercourse), and a person who instigates another and thereby forces a child to have sexual intercourse with him is also punished.

43. The following punitive laws regarding the prevention of obscene acts involving children and child prostitution apply:

(a) Penal Code. The second half of article 177 (raping a girl under 13 years of age; imprisonment at forced labour for a limited term of not less than two years);

(b) Prostitution Prevention Law. Article 6 (act of procuring a prostitute, etc.; imprisonment at forced labour for not more than two years or a fine of not more than 50,000 yen); article 7 (act of embarrassing a female to engage in prostitution; imprisonment at forced labour for not more than three years or a fine of not more than 100,000 yen); article 8, paragraph 1 (act of the person who committed the offence in article 7 receiving the whole or a part of the money paid for prostitution; imprisonment at forced labour for not more than five years or a fine of not more than 200,000 yen); article 8, paragraph 2 (act of receiving the whole or a part of the money paid for prostitution by taking advantage of kinship relations; imprisonment at forced labour for not more than three years or a fine of not more than 100,000 yen); article 9 (act of offering financial benefits for the purpose of making a female engage in prostitution; imprisonment at forced labour for not more than three years or a fine of not more than 100,000 yen); article 10 (act of making a contract for making a female engage in prostitution; imprisonment at forced labour for not more than three years or a fine of not more than 100,000 yen); article 11 (act of furnishing a place for prostitution; imprisonment at forced labour for not more than three years or a fine of not more than 100,000 yen and, if such furnishing is done continuously as a business, imprisonment at forced labour for not more than seven years and a fine of not more than 300,000 yen); article 12 (act of making it one's business to make a female engage in prostitution; imprisonment for not more than 10 years and a fine of not more than 300,000 yen); article 13, paragraph 1 (act of offering funds, etc. needed for making it one's business to furnish a place for prostitution; imprisonment at forced labour for not more than five years and a fine of not more than 200,000 yen); article 13, paragraph 2 (act of offering funds, etc. needed for making it one's business to make a female engage in prostitution; imprisonment at forced labour for not more than seven years and a fine of not more than 300,000 yen);

(c) Law for Ensuring the Proper Administration of the Business of Dispatching Workers and for Adjusting the Conditions of Employment of the Workers Dispatched. Article 58 (act of dispatching workers to make them engage in a job which is harmful from the standpoint of public morals; imprisonment at forced labour for not less than one year nor more than 10 years or a fine of 50,000 up to 1 million yen);

(d) Child Welfare Law. Article 60, paragraph 1 (imprisonment at forced labour for not more than 10 years or a fine of not more than 500,000 yen), violation of article 34, paragraph 1, item (6) (act of making a child (under 18 years of age) commit obscene acts); article 60, paragraph 2 (imprisonment at forced labour for not more than one year or a fine of not more than 300,000 yen), violation of article 34, paragraph 1, item (7) (act of transferring the custody of a child (under 18 years of age) to a person who is liable to commit an act violating punitive laws).

44. There are the following punitive laws for the prevention of child pornography:

(a) Article 175 of the Penal Code (act of distributing or selling an obscene writing, picture or other object or of publicly displaying the same or act of possessing the same for sale; imprisonment at forced labour for not more than two years or a fine of not more than 2,500,000 yen or a minor fine (1,000 yen up to 10,000 yen);

(b) Article 60, paragraph 2, of the Child Welfare Law (imprisonment at forced labour for not more than one year or a fine of not more than 300,000 yen), violation of article 34, item (9) (act of keeping a child (under 18 years of age) under one's control for purposes harmful to the child mentally or physically. (For instance, an act of keeping a child under one's control for the purpose of making pornographic objects involving the child constitutes a crime));

(c) Article 60, paragraph 2, of the Child Welfare Law (imprisonment at forced labour for not more than one year or a fine of not more than 300,000 yen), violation of article 34, paragraph 1, item (7) (act of transferring the custody of a child (under 18 years of age) to a person who is liable to commit an act violating punitive laws).

## Liechtenstein

[Original: French]
[18 August 1992]

45. Because of the specific circumstances in the Principality of Liechtenstein, no legislative or administrative measures have been taken at national level to implement the Programme of Action.

## Philippines

[Original: English]
[23 March 1993]

46. The Philippines, very much aware of the child being the most important asset of the nation, has declared as one of its policies to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, discrimination and other conditions prejudicial to their development, consistent with the Convention on the Rights of the Child. In addition to existing measures contained under Presidential Decree No. 603 (The Child and Youth Welfare Code), which includes, among others, access to

educational opportunities, health and welfare services, the Government, in further strengthening its resolve towards wholesome child development, has specially designed a programme for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination which incorporates as well punitive and remedial measures. These courses of action are contained in the very significant and comprehensive piece of legislation recently enacted by the Government on 17 June 1992 as Republic Act No. 7610, entitled "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and for Other Purposes". This law covers child trafficking. However, even before the passage of this law the Government, through its Department of Social Welfare, has been providing services to victims of child abuse in the form of protective custody, counselling, medical and dental services, residential care/temporary shelter, foster homes, adoption, legal services and educational and vocational services.

## Poland

[Original: English]
[22 March 1993]

47. The phenomenon of trafficking in children, aimed at transplantation of organs, sale of children for their sexual abuse (prostitution and child pornography) as well as for their abuse in labour does not exist in Poland. However, some wrong practices in the field of international adoption may be noted. Since 1990 the number of cases concerning the adoption of Polish children abroad has significantly increased. It is suspected that some parents as well as other persons "offering" children for adoption (foster home personnel, lawyers) collect high payments for the "transaction". Action against "incorrect" adoptions abroad is handicapped by insufficient legal regulations in the Family and Custody Code. Until now, such provisions were not necessary as the phenomenon of the sale of children for adoption virtually did not exist in Poland. The Ministry of Justice has sent a bill to the Parliament with the aim of amending the Family and Custody Code in this respect.

48. Information is scarce as to the action taken by governmental and non-governmental bodies to prevent the phenomenon and to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography; it is therefore impossible to evaluate the report of the Working Group.

49. Criminal law penalizes "lustful acts with a minor up to 15 years old" (art. 176 of the Criminal Code) as well as sexual acts while in the presence of a minor up to 15 years old (art. 177). Dissemination, production, storage, consignment or transport of publications, printed matter or pictures of a pornographic nature are also prohibited (art. 173).

50. Transitional provisions in the Criminal Code (law of 19 April 1969, Dziennik Ustaw (Journal of Law) No. 13, item 95) include article IX dealing

with criminalization of traffic in children for prostitution. This provision has not been incorporated into the Criminal Code, as such felonies have never been reported in Poland.

## Spain

[Original: Spanish]
[18 February 1993]

51. The Directorate-General for the Legal Protection of Minors of the Ministry of Social Affairs of Spain made the following observations:

(a) There are various international provisions in this field. In addition to those already cited in the Programme of Action, the following conventions ratified by Spain should be taken into account:

(i) International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910;

(ii) International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904;

(iii) Agreement for the Suppression of the Traffic in Children, Geneva, 30 September 1931;

(b) Although it does not specifically refer to the purchase and sale of children for purposes of adoption, the Spanish Penal Code penalizes trafficking in children (arts. 484, 485 and 486), abduction of children and child prostitution and sexual abuse (Book II, Title IX, of the Code), offences against sexual freedom (arts. 429 et seq., 452 (bis) "b", "e" and "g") and child pornography (arts. 431 and 432);

(c) Specific studies on the topic have also been carried out by international organizations. The International Catholic Child Bureau carried out an investigation into child pornography which found that legislation to protect children from material intended for adults is essential, albeit of limited application.

52. It is a proven fact that in countries as different as Chile and the United Kingdom of Great Britain and Northern Ireland, children have obtained pornographic material without ever having broken the law. The immediate conclusion to be drawn from this is the urgent need for satisfactory sex education programmes in schools, not confined to the physical aspects but also covering the emotional side of sexual relations. In order to be fully effective, the programmes will need to target parents as well as children.

53. The following specific observations are made:

(a) General. In our view, it is proper that this Programme, which covers various spheres, should be carried out by a number of different international organizations fully or partly concerned with children, coordinated by the Commission on Human Rights. We would support the organization of an international information campaign and the proclamation of

a world day for the abolition of contemporary forms of slavery. It would also be worthwhile to carry out studies and research into the exploitation of children, bearing in mind the different circumstances of children in different countries;

(b) Rehabilitation and reintegration. The authorities responsible for the protection of minors are drawing up plans and programmes for the integration of marginalized groups;

(c) International coordination. Spain has entered into a broad range of conventions relating to minors, noteworthy among which are the Council of Europe conventions on the custody of minors and on legal status and the Convention on the Civil Aspects of International Child Abduction of The Hague Conference. Although these conventions are not directly relevant to the topic under review, they are indirectly so, inasmuch as they help to alleviate and promote awareness of children's circumstances and win support for the law, which may help to avert potential threats. Nevertheless, Spain should develop even closer international relations, particularly with regard to trafficking in children;

(d) Sale of children. An effort should be made by the most developed countries to support countries facing the greatest difficulties in combating international trafficking in children;

(e) International adoption. The ratification of the Convention on the Rights of the Child will entail the introduction, in the developed countries, of machinery to prevent trafficking in children for adoption purposes and, indirectly, trafficking for other purposes. As to the question of financial gain, Spain intends to make an interpretive declaration to the effect that the "improper financial gain" referred to in the text of the Convention covers everything except the expenditure entailed by the transfer of the child;

(f) Child prostitution. This is one of the topics where international cooperation is most needed;

(g) Child pornography. As already observed, the Penal Code was amended with regard to the ill-treatment of children through Act 5/1988 of 9 June 1988, amending the wording of articles 431 and 432, under which: "Anyone who performs or causes to be performed by others pornographic acts involving minors"; and "Anyone who by any means disseminates, sells or exhibits pornographic material involving minors" is liable to punishment.

54. Only paragraph 27, which requests the postal and private courier services to detect and prevent the transmission of pornographic material, still needs amending since article 18.3 of the Spanish Constitution guarantees privacy of communications, in particular of postal, telegraphic and telephone communications, in the absence of a judicial decision.

## Sri Lanka

[Original: English]
[21 October 1992]

55. Sri Lanka, with regard to this issue, states that in developing countries poverty is an underlying factor which causes all forms of abuses of vulnerable groups such as women and children. In Sri Lanka, customs and traditions which encourage the trafficking in and sale of children do not exist. The form of malpractice which has been existing for the last two decades is the sale of children for adoption by foreigners. The Government has therefore taken appropriate measures to amend the Adoption Law and bring about the necessary restriction to eliminate the "baby trade". No private unregistered institutions or persons can allocate adoptable children to foreign nationals under the new legislation which came into force on 11 September 1992. Only the Commissioner of Probation and Child Care has authority to allocate children to foreign applicants, and only children from State Receiving Homes and Registered Voluntary Homes can be adopted by foreign applicants. It is an offence to keep expectant mothers or children with mothers or without mothers for the purpose of adoption by anybody other than a person who is in charge of a State Receiving Home or a Registered Voluntary Home. Those who violate this provision of the law will be prosecuted and on conviction will be liable to a fine of not more than Rs. 20,000 or imprisonment for two years, or both fine and imprisonment.

56. Sri Lanka supports proposals 15 and 16. Public awareness, strict enforcement of the laws, collective responsibility and concerted action and commitment are needed to eradicate trafficking in children.

## Thailand

[Original: English]
[15 December 1992]

57. Thailand informed the Working Group on Contemporary Forms of Slavery that the policy of prevention and suppression of traffic in children has been incorporated in the work plans of the key governmental agencies dealing with the problems of prostitution.

58. The Subcommittee under the National Committee for the Promotion and Coordination of Women's Affairs has proposed policies and measures which include intensification of the suppression of trafficking in children. Severe penalties have been proposed.

59. Thailand has also called for the inspection of passports held by children under 15 years of age. This is a measure aimed at effective prevention of sale of children for exploitation in illegal or immoral activities abroad, in accordance with the Cabinet's decision of 18 May 1977.

60. An ad hoc unit under the Police Department has been set up to combat traffic in persons to foreign countries. Within the Thai legal system, there

exists a number of laws which are designed to prevent trafficking in children for sexual purposes. Those that are directly designed to deal with the problem include the following:

(a) The sale of Women and Children Act (1928), which is still in force today, prohibits the bringing into and the taking out of Thailand women and children for the purposes of prostitution;

(b) The Pornography Act (1928);

(c) The Hotel Act of 1935;

(d) The (8th) Amendment of the Criminal Procedure Code (1987) is one of the most important legal instruments for the prevention and suppression of trafficking in women and children, and is directed specifically at the suppression of those who are engaged in the traffic in children.

61. The Entertainment Establishment Act (1966) defines the attributes of those who are eligible to apply for the establishment of entertainment places to exclude those who have broken laws on the sale of children.

62. Parents involved in selling their children also face punishment under the law.

63. The successive Governments of Thailand continue to tackle the problem of the traffic in children through legislative actions, law enforcement activities and a variety of socially-oriented programmes.

64. The Government of Thailand refers to its "National Declaration on Children", adopted on 30-31 August 1990 by the First National Assembly, and subsequently endorsed by the Council of Ministers of Thailand on 13 August 1991. It is the official proclamation of national policy on child development to be implemented by all related governmental and non-governmental organizations in Thailand.

## Yugoslavia

[Original: English]
[11 March 1993]

65. As far as measures designed to prevent the sale of children, child prostitution and child pornography are concerned, article 155 of the Criminal Code of the Federal Republic of Yugoslavia envisages more severe penalties for the sale of a supported person or a person by his/her parents or guardian.

66. On the sale of children, it should be pointed out that, in the former Socialist Federal Republic of Yugoslavia, this problem was most evident in Macedonia and Kosovo. The most widespread obstacle in conducting criminal proceedings against perpetrators was their constant change of place of residence, which frequently made them unavailable to the prosecution authorities.

67. Furthermore, the Criminal Code of the Federal Republic of Yugoslavia, in its article 251, stipulates as a criminal offence procurement, under which so-called white slavery, if a minor female child is involved, is punishable by imprisonment from 1 to 10 years.

68. In keeping with international instruments and recommendations made by the Secretary-General, the Criminal Code of the Socialist Federal Republic of Yugoslavia was refined in 1990 to criminalize the presentation of pornography to a minor under 14 years of age and to make punishable the presentation, public exposure or otherwise making available pamphlets, pictures, photographs, audiovisual or other material with a pornographic content, or a pornographic show. The penalty stipulated by law for this criminal offence is imprisonment of one year or a fine.

69. In addition, the criminal laws of the Republics of Serbia and Montenegro provide in their articles 111 and 100 respectively that procurement for carnal knowledge is a criminal act. If the subject of this criminal offence is a person over 14 years of age, the penalty is imprisonment from three months to five years, while providing carnal knowledge with a minor is punished by imprisonment up to three years. The same sentence is also imposed for procurement or enabling carnal knowledge for a reward.

70. In order to prevent and suppress the prostitution of minors, beside the above-mentioned penalties the Law on Public Order and Peace of the Republic of Serbia provides for penalties for petty offences. This law stipulates that a person providing space to a minor for the purpose of prostitution shall be sentenced to imprisonment of up to 60 days, and if the perpetrator is a parent or guardian of the minor concerned, he or she shall be fined or sentenced to imprisonment of up to 30 days. The Law on Public Order and Peace of the Republic of Montenegro defines the same penalty for this type of criminal offence, including a fine for a parent or guardian of a minor engaged in prostitution.

71. In conclusion, it should be pointed out that in the 1990-1991 period no criminal offence under article 252 of the Criminal Code of the Federal Republic of Yugoslavia was reported in the Republics of Serbia and Montenegro.

72. With reference to paragraphs 5, 7 and 20 of Sub-Commission resolution 1992/2 entitled "Report of the Working Group on Contemporary Forms of Slavery", the Government of the Federal Republic of Yugoslavia wishes to draw attention to the following.

73. Protection of children from sale, prostitution and pornography is provided for by the Constitution of the Federal Republic of Yugoslavia, republican constitutions and laws and other rules and regulations concerning criminal and family legislation.

74. Abuse of children for the purpose of prostitution, use in pornography and sale of children is sporadic, while it is most frequent for the purpose of theft and begging. This is primarily the case within the Romany population and, in the last few years, this problem has assumed large proportions. However, after appropriate measures have been taken by the Ministry of Internal Affairs of Serbia in cooperation with social care centres, this

problem has been reduced so that thus far only one criminal charge has been brought against a person who took two Romany minors to Italy and sold them there to an unknown person.

75. Following reports that criminal activities of Romany minors have intensified in the countries of Western Europe, Italy in particular, it has been established that they were taken abroad by their parents or with their consent with the intention to engage in such activities. Accordingly, the parental rights of such parents have been significantly limited or such parents have been deprived of their parental rights and responsibilities.

76. According to the information available in the Ministry of Internal Affairs of the Republic of Serbia, 11 requests for instituting infraction proceedings were filed in the period between 1987 and 1992 against 11 minors because of prostitution. The relatively small number of cases is an indication that child prostitution and child pornography are isolated rather than general phenomena.

## II. UNITED NATIONS BODIES

### Economic Commission for Latin America and the Caribbean

[Original: English]
[21 August 1992]

77. The Economic Commission for Latin America and the Caribbean states that the issue of the sale of children falls outside the areas of its work. Owing to its importance, however, it will be one of the issues considered when designing policies and programmes on social affairs, particularly those referring to the family.

## III. SPECIALIZED AGENCIES

### United Nations Educational, Scientific and Cultural Organization

[Original: English]
[8 October 1992]

78. The United Nations Educational, Scientific and Cultural Organization informed the Working Group on Contemporary Forms of Slavery that its secretariat has just concluded three studies on child prostitution and education. The studies were conducted by specialists from Colombia, Benin and Thailand. It is also hoped that they will constitute a working document for a future joint meeting with UNICEF to take place, possibly in 1993.

### World Tourism Organization

[Original: English]
[5 August 1992]

79. The World Tourism Organization (WTO) informed the Working Group on Contemporary Forms of Slavery of its readiness to cooperate with the

Commission on Human Rights in trying to tackle several problems addressed by the Working Group, including child prostitution and child pornography.

80. WTO draws the attention of the Working Group to the Tourism Bill of Rights and Tourist Code, adopted in 1985, which sets forth standards of conduct for States, tourism professionals and tourists with regard to this and other related issues.

81. WTO draws the attention of the Working Group to some of the standards of conduct set forth in this document, whereby:

(a) States are reminded of the need to prevent any possibility of using tourism to exploit others for prostitution purposes (art. IV.8 (e));

(b) Tourism professionals and suppliers of tourism and travel services are asked to refrain from encouraging the use of tourism for all forms of exploitation of others (art. VIII.3);

(c) Tourists themselves are requested to refrain from exploiting others for prostitution purposes (art. XI (d)).

82. With regard to the text of the draft programme of action for the Prevention of Traffic in persons and the exploitation of the prostitution of others and the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, WTO agrees, in principle, with their contents and should like to comment as follows.

83. WTO fully supports the suggestion made in paragraph 12, annex I to resolution 1992/36 proclaiming a world day for the abolition of slavery.

84. WTO draws attention to the name of its organization, mentioned in Commission on Human Rights resolution 1992/74 I, paragraph 3, which should read "World Tourism Organization" and not "International Tourism Organization".

85. WTO agrees with the proposal made in paragraphs 30 of annex I to resolution 1992/36 and 47 of the annex to resolution 1992/74.

86. WTO has made some reservations to the proposal made in paragraph 16 of Sub-Commission resolution 1992/2 II and paragraph 48 of the annex to Commission resolution 1992/74 II, that is, WTO convening a meeting, for two main reasons:

(a) Such a meeting is not contemplated in the programme of work or budget of WTO. The WTO secretariat cannot organize such a meeting without prior authorization from our General Assembly; and

(b) More fundamentally, it is doubtful that yet another conference would bring about the desired effects in the short and the long term.

87. WTO believes in adopting strong measures and taking concrete steps, namely:

(a) Enforcing the necessary legislation, as already suggested by the draft programmes of action;

(b) Strengthening and diversifying the tourism industry of countries affected by this problem;

(c) Improving education and training at all levels, especially for women, etc.

These steps could be more effective than convening a conference to discuss an already well-known and painful subject. This is the type of strategy the organization recommends to developing countries through its activities in the field of technical cooperation.

88. WTO should also like to underline that the very nature of tourism is to contribute to economic development and prosperity and to foster international peace and understanding. This, indeed, brings about the encounter of peoples. Convening a conference solely devoted to the problem of sex tourism would lead to identifying tourism with the scourge we are trying to combat. Consequently, WTO would suggest a different wording for paragraphs 31 and 48 of the annexes to resolutions 1992/36 and 1992/74, along these lines:

> "The World Tourism Organization should be encouraged, in the context of the progressive implementation of the provisions of the Tourism Bill of Rights and Tourist Code adopted by the Sixth General Assembly in 1985, to develop further the range of its activities, viz.: consumer information, in order to contribute to prevent such practices."

89. Finally, WTO would like to reiterate its readiness to cooperate and lend its full support to efforts to put an end to this form of exploitation.

## IV. INTERGOVERNMENTAL ORGANIZATIONS

### Organization of American States

[Original: English]
[19 August 1992]

90. The General Secretariat wishes to inform the United Nations Assistant Secretary-General for Human Rights that the request concerning several issues, including the sale of children, has been forwarded to the Executive Secretariat of the Inter-American Commission on Human Rights for information and appropriate action.

## V. NON-GOVERNMENTAL ORGANIZATIONS

### World Muslim Congress

[Original: English]
[25 August 1992]

91. The World Muslim Congress informs the Working Group on Contemporary Forms of Slavery that, at present, they have no programme dealing with the issue of the sale of children.

---